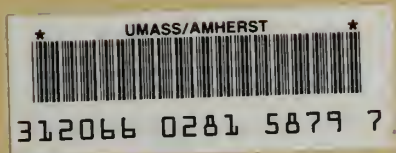


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Massachusetts Annual Victim Rights Conference

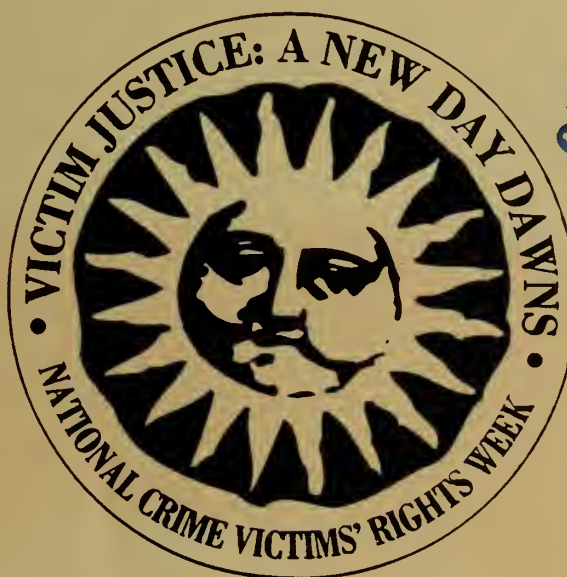
April 23, 1996
8:00AM - 4:00PM
State House, Boston

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Massachusetts Victim and Witness Assistance Board
Massachusetts Office for Victim Assistance
Attorney General Scott Harshbarger

MOVA/VWAB
100 Cambridge Street, Room 1104
Boston, MA 02202
(617) 727-5200

Massachusetts Annual Victim Rights Conference - 1996

SPONSORS

Massachusetts Victim and Witness Assistance Board

Attorney General Scott Harshbarger, Chairman
Gerard Downing, District Attorney for Berkshire County
Mary Ellen Doyle, Victim/Citizen Member
Deborah Hall Grant, Victim/Citizen Member
Thomas Reilly, District Attorney for Middlesex County

Massachusetts Office for Victim Assistance

Heidi Urich, Executive Director
Paula Almeida, Office Administrator
Tara Davis, Administrative Assistant
Marilee Kenney Hunt, Domestic Violence Project Coordinator
Alyssa Kazin, Victim Program Specialist
Shelagh Lafferty, Policy Analyst
Jane Lindfors, SAFEPLAN Regional Coordinator
David Schrag, Finance Director
Cheryl Watson, Victim Advocate
Keisha Gamble, Intern

Office of the Attorney General

Diane Juliar, Chief, Family and Community Crimes Bureau
Judy Beals, Director, Victim Compensation and Assistance Division

CO-SPONSORS

Office of Governor William Weld

Citizens for Safety
Joey Fournier Victim Services
Mass. Citizens to Prevent Handgun Violence
Mass. Coalition Against Sexual Assault
Mass. Coalition of Battered Women's Service Groups
Mass. District Attorneys Association
Mothers Against Drunk Driving
Parents of Murdered Children
Peace At Home
People of Color Against Homicide
The Boston Coalition
The R.O.S.E. Fund
Victim Witness Program Directors

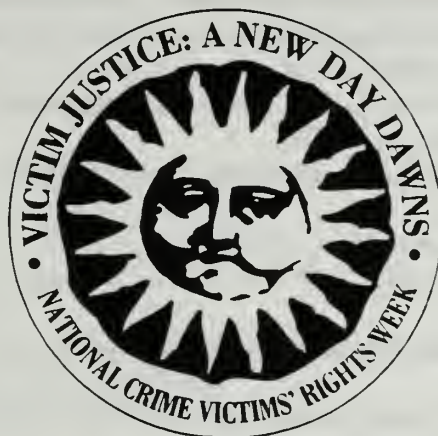
Resource Book: Contents

NOTE: The following materials are organized by workshop and content:

Introduction:	Conference Program Victim Rights Week Proclamation Victim Rights Law of 1995 Victim Rights Week Calendar of Events Keynote Speaker Information Exhibitor Listing Victim Witness Advocate Recognitions
Section A:	Child Sexual Abuse: Current Issues in Investigation and Prosecution
Section B:	Domestic Violence: Promoting Victim Safety
Section C:	Hate Crimes: Awareness and Intervention
Section D:	Juveniles and the Justice System
Section E:	Preventing Teen Dating Violence: The Yellow Dress
Section F:	Crime Victims and the Media
Appendices:	Legislator and Committee Lists Statewide Victim Resources Federal and National Victim Resources Map of Area Restaurants Map of Workshop Locations

MASSACHUSETTS ANNUAL VICTIM RIGHTS CONFERENCE

State House, Boston
Tuesday, April 23, 1996



Conference Program

8:00 - 9:00 **Registration, Exhibits and Refreshments** - State House, Doric Hall

9:00 - 11:00 **Plenary Session** - Gardner Auditorium

Welcome: Heidi Urich, Executive Director
Massachusetts Office for Victim Assistance

Welcoming Address: Attorney General Scott Harshbarger, Chairman
Victim and Witness Assistance Board

Awards Presentation:

Senator of the Year: Robert Antonioni

Representative of the Year: James Brett

Public Policy: Carole Sousa

Media: Patricia Smith, The Boston Globe

Special Recognition: Joseph and Clementina Chéry

Victim Witness Advocates Recognition

Keynote Address: MARILYN VAN DERBUR, Incest Survivor and
Former Miss America

Remarks: Lt. Governor Paul Cellucci

11:15 - 1:00 **Morning Session: Concurrent Workshops**

A. Child Sexual Abuse: Current Issues in Investigation and Prosecution

Moderator:

Diane Juliar, Chief, Family and Community Crimes Bureau, Office of the Attorney General

Panelists:

Honorable Margot Botsford: Massachusetts Superior Court Judge

Janet Fine: Chief of the Victim Witness Assistance Program, Suffolk District Attorney's Office

Jane Mulqueen: Director of the Child Abuse Prosecution Unit, Northwestern District Attorney's Office

Amy Tishelman, Ph.D.: Clinician, Children's Hospital

Location: One Asburton Place, 21st Floor

B. Domestic Violence: Promoting Victim Safety

Moderator:

Thomas F. Reilly, District Attorney for Middlesex County and Member, Victim and Witness Assistance Board

Panelists:

Sarah Buel: Assistant District Attorney, Norfolk District Attorney's Office

Elba Crespo, Ph.D.: Brookside Health Center, Boston

Janet Fender: Domestic Violence Specialist, Massachusetts Department of Social Services

Lt. James Pierce: Winchester Police Department

Shellie Taggart: SAFEPLAN Advocate, Necessities/Necesidades, Northampton

Location: Gardner Auditorium, State House

C. Hate Crimes Awareness and Intervention

Moderator:

Gerard D. Downing, District Attorney for Berkshire County and Member, Victim and Witness Assistance Board

Panelists:

Richard Cole: Chief, Civil Rights Division, Office of the Attorney General

Sally Greenberg: Eastern States Civil Rights Counsel, Anti-Defamation League

Robb Johnson: Victim Advocate, Victim Recovery Program, Fenway Community Health Center

Marianne Soohoo: Director, SafetyNet Hate Violence Prevention Project, Asian American Resource Workshop

Victim Representative

Location: Church of the New Jerusalem, 140 Bowdoin Street

D. Juveniles and the Justice System

Moderator:

Deborah Hall Grant: Member, Victim and Witness Assistance Board

Panelists:

Honorable Stephen Limon: Boston Juvenile Court Judge

Gretchen Graef: Assistant District Attorney and Director of the Community Based Juvenile Justice Program, Suffolk District Attorney's Office

Linda Pacheco: Executive Director, Mothers Against Drunk Driving, Bristol

Eric Rodriguez: Program Director, Leadership Center, ROCA, Revere

Jodi Rosol: Victim Witness Advocate, Springfield Juvenile Court, Hampden District Attorney's Office

Location: Metropolitan District Commission Building, 20 Somerset Street

E. Preventing Teen Dating Violence: The Yellow Dress

Moderator:

Mary Ellen Doyle: Member, Massachusetts Parole Board and Member, Victim and Witness Assistance Board

Panelists:

District Attorney Kevin M. Burke: Essex County

Trooper Jeanne Aeillo: Domestic Violence Unit, Massachusetts State Police

Lilie Atkins: Education Specialist, Massachusetts Department of Education

Monie Thia Chhay: Peer Leader, Teens Against Domestic Violence, Reaching Out to Chelsea Adolescents (ROCA)

Lucas Gomes: Peer Leader, Project STOP and SPEAK OUT, Community Counseling of Bristol County

Alison Reynolds: Director, Deana's Fund

Location: Paulist Center, 5 Park Street

1:00 - 2:30 **Lunch Break - View Exhibits**

2:30 - 4:30 **Afternoon Session: Crime Victims and the Media**

Moderator:

Bernice Buresh: Journalist

Panelists:

Peter Gelzimis: Columnist, The Boston Herald

Deborah Hall Grant: Mother of Corey Grant and Member, Victim and Witness Assistance Board

Barbara Pryor: Mother of Sarah Pryor

Patricia Smith: Columnist, The Boston Globe

Mark Wile: Reporter and Producer

Location: Gardner Auditorium, State House



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The Commonwealth of Massachusetts



A Proclamation

By His Excellency

GOVERNOR WILLIAM F. WELD

1996

- WHEREAS:** Violent crime and victimization are foremost concerns of our communities, state, and nation; and
- WHEREAS:** The physical, emotional, and financial impact of crime has a devastating effect on the fabric of our Commonwealth; and
- WHEREAS:** All citizens deserve to be treated with dignity, compassion, and justice, and such treatment has not always been afforded to crime victims, witnesses, and their families; and
- WHEREAS:** Too many lives have been lost to brutal, senseless acts of criminal violence; and
- WHEREAS:** Certain categories of crime, such as domestic violence, rape, and child sexual assault, too often remain unreported because victims are disbelieved, intimidated, and stigmatized; and
- WHEREAS:** A critical need exists for programs to assist crime victims and their families in protecting their rights, ensuring their safety, and rebuilding their lives; and
- WHEREAS:** Thousands of Massachusetts citizens, through volunteer and professional efforts, are devoted to advocating for the rights and services for all crime victims;

NOW, THEREFORE, I, WILLIAM F. WELD, Governor of the Commonwealth of Massachusetts, do hereby proclaim the week of April 21st through April 27th, 1996, to be

VICTIM RIGHTS WEEK

and urge all the citizens of the Commonwealth to take cognizance of this event and participate fittingly in its observance.

Given at the Executive Chamber in Boston, this twenty-eighth day of March, in the year of our Lord one thousand nine hundred and ninety-six, and of the Independence of the United States of America, the two hundred and twentieth.

William F. Weld

WILLIAM F. WELD

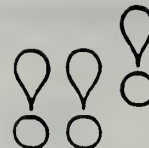
By His Excellency the Governor

William F. Galvin

WILLIAM F. GALVIN
Secretary of the Commonwealth



GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS



BIOGRAPHY OF MARILYN VAN DERBUR

Marilyn Van Derbur is one of the outstanding women in America today.

After being crowned Miss America, she returned to the University of Colorado to graduate with Phi Beta Kappa honors.

For 30 years, Marilyn has been in great demand as a keynote convention speaker. For 16 years, she was the only woman guest lecturer for General Motors. She was named "The Outstanding Woman Speaker in America" in a national survey of corporate and civic meeting planners.

As a result of being sexually violated by her socially prominent father from age 5 to age 18, her life shut down at age 45, and for 6 long years, she struggled to overcome the memories and feelings that overwhelmed her.

In 1989, she went to the Kempe National Center in Denver to ask for an adult survivor program to help other men and women. The Van Derbur family contributed \$260,000 to establish the program which would also concentrate on research.

Since 1991, Marilyn has spoken in 151 cities and personally answered letters from over 7,000 men and women whose adult lives have been traumatized by childhood sexual violations.

Realizing that a high percentage of children had been violated by older children (teenagers), she produced ONCE CAN HURT A LIFETIME, a video, educating teenagers about the long term trauma that can be caused by violating a younger child. 63 PBS stations (including NYC, Philadelphia and Detroit) will air this video in the fall of 1995.

After addressing 26 medical conferences nationwide, Marilyn was asked to produce two films to educate medical students and health care professionals about the importance of identifying child abuse histories in adult patients and recognizing the connection between childhood trauma and adult medical problems. Mental health professionals have recently asked her to produce a film for their conferences.

In 1993, Marilyn co-founded two national non profit organizations based in Washington, D.C., dedicated to strengthening the laws protecting adult survivors and child victims, and to stopping the sexual violations of children through public education and awareness.

Marilyn has received national awards from the Secretary of Health and Human Services for Exceptional Achievement in Public Service, the Distinguished Community Service Award from the Anti Defamation League and the Individual Award from CHILDHELP.

"I wondered why somebody didn't do something
Then I realized...I was somebody!"

**Massachusetts Office for Victim Assistance
Calendar of Events Recognizing Victim Rights Week
April 21-27, 1996**

EVENT

**DATE/TIME
LOCATION**

CONTACT

MASSACHUSETTS VICTIM RIGHTS ANNUAL CONFERENCE

Annual Conference sponsored by the Victim and Witness Assistance Board, the Massachusetts Office for Victim Assistance and the Attorney General's Office, with co-sponsoring victim advocacy organizations.

April 23, 1996
8:00am - 4:00pm
State House
BOSTON

Cheryl Watson
MASSACHUSETTS OFFICE FOR
VICTIM ASSISTANCE
(617)727-5200

DOMESTIC VIOLENCE: IMPACT ON THE FAMILY

Multidisciplinary program designed to improve the ability of all community professionals to identify, understand and respond to the effects of violence

April 12, 1996
8:15 am - 4:15 pm
Marriot Hotel
SPRINGFIELD

Maria Rodriguez, Director
Hampden County Victim/Witness
Assistance Program
(413)747-1038

"FAMILY VIOLENCE"

A video presentation

April 17, 1996
Call for time
Boston University
BOSTON

Gwen Allen
Francine Pado
Suffolk D.A.'s Victim Assistance
(617)725-8760

DOMESTIC VIOLENCE INTERVENTION TRAINING

Comprehensive training for new volunteers

April 20-21, 1996
9:00am- 4:00pm
51 Inman Street
CAMBRIDGE

Sandy Middleton
Transition House
(617)868-5531

MEMORIAL TREE PLANTING CEREMONY

A tree will be planted in memory of all victims of alcohol-related traffic crashes and marked with an in-ground plaque

April 21, 1996
2:00pm
Shattuck Park
GREENFIELD

Hannelore Simard
MADD, Pioneer Valley Chapter
(413)592-9953

EVENT	DATE/TIME LOCATION	CONTACT
REMEMBERANCE GARDEN Flower planting and tying ribbons to trees in memory of those lost to homicide/vehicular homicide	April 22, 1996 6:00pm WORCESTER	Maureen Ahern After Homicide Program (508)791-3261 CORI
REGISTRATION AND VICTIMS' RIGHTS PRESS CONFERENCE A press conference to raise awareness of CORI Registration	April 22, 1996 11:00 am BOSTON STATE HOUSE	Karen Gotkin The Joey Fournier Services (617)248-0066
VICTIM RIGHTS WEEK RECOGNITION & AWARD CEREMONY A reception to celebrate National Crime Victims' Rights week and to recognize five Parole Board staff members for their outstanding efforts on behalf of victims of crime	April 22, 1996 10:00am 27-43 Wormwood St. BOSTON	Sarah Briand Mass. Parole Board (617)727-3271
"DEFENDING OUR LIVES" A video presentation at the Domestic Violence Roundtable	April 22, 1996 1:00pm CHARLESTOWN COURT	Iris Hernandez Suffolk D.A.'s Victim Assistance (617)725-8720
BROCHURE DISTRIBUTION Distribution of East Boston Safe Neighborhood Initiative brochures (in five languages)	April 22-26, 1996 Call for details EAST BOSTON	Sara Torra Suffolk D.A.'s Victim Assistance (617)567-8650
INFORMATION SHARING AND COLLABORATION MEETING Information sharing on domestic violence issues	April 23, 1996 10:00-11:00 am Transition House CAMBRIDGE	Carol Gomez Suffolk D.A.'s Victim Assistance (617)445-8618
INFORMATION SHARING AND COLLABORATION MEETING Information sharing on domestic violence issues	April 24, 1996 2:30 pm Renewal House BOSTON	Carol Gomez Suffolk D.A.'s Victim Assistance (617)445-8618
YOUTH RAP ON VIOLENCE A youth roundtable discussion by youths who have been victimized by violence, sponsored by the Living After Murder Program (LAMP)	April 24, 1996 6:00-7:30 pm Health Center ROXBURY	Don Graham Katherine Manners Roxbury Comp. Comm. Health (617)541-3790 x719 or 733

EVENT	DATE/TIME LOCATION	CONTACT
VIDEO DOCUMENTARY AND BROWN BAG LUNCH "Defending our Lives" the Academy Award winning film on domestic violence will be shown, please bring lunch	April 24, 1996 12:00pm 27-43 Wormwood St. BOSTON	Linda Sweeney Mass. Parole Board (617)727-3271 RSVP
OPEN COMMUNITY MEETING A community forum to discuss the Safe Neighborhood Initiative and its status and progress, to recognize community members who have provided assistance and to receive input	April 24, 1996 7:00pm- 9:00pm Lombardo's EAST BOSTON	Sara Torra Suffolk D.A.'s Victim Assistance (617)567-8650
VICTIM SENSITIVITY TRAINING Training provided to develop sensitivity to victim issues, help recognize calls that may be abuse related, and provide an update on services available	April 24-28, 1995 Various role calls Fire Department WINTHROP	Sara Torra Suffolk D.A.'s Victim Assistance (617)725-8720
"EXTENDING THE CIRCLE OF SAFETY: FLOWERS FOR VICTIMS" Families, friends, concerned community members and victims will each dedicate a flower in the name of a sexual assault and/or domestic violence victim then march from City Hall to District Court	April 24, 1996 10:00am- 12:00pm Brockton City Hall BROCKTON	Kristen J. Ivers Womansplace Crisis Center (508)588-2042
VIDEO DOCUMENTARY AND BROWN BAG LUNCH "Understanding Psychological Trauma" the two part introduction for those likely to work or come in contact with survivors of trauma, please bring lunch	April 25, 1996 12:00pm 27-43 Wormwood St. BOSTON	Linda Sweeney Mass. Parole Board (617)727-3271 RSVP
2ND ANNUAL MIDDLESEX DISTRICT ATTORNEY'S APPRECIATION PRESENTATION District Attorney Tom Reilly will recognize and present certificates of appreciation to businesses and employers that have been particularly responsive and respectful of crime victims rights	April 25, 1996 1:00pm 40 Thorndike St. CAMBRIDGE	Jeff Ryan D.A.'s Office (617)494-4604
THE 10TH ANNUAL PEER LEADERSHIP CONFERENCE With the alarming growth of youth victims and traumatized survivors, youth peer leaders will convene a day of workshops and projects focused on teen violence and how to use media to organize and bring change	April 26, 1996 12:00-7:00 pm John Hancock 180 Berkeley St. BOSTON	Michael MacDonald Citizens for Safety (617)542-4263 Julie Mejia, Medical Found. (617) 423-4337 x225

EVENT	DATE/TIME LOCATION	CONTACT
LEARNING FROM WOMEN A conference to educate participants on the latest theory and research on the psychological development of girls and women, the sources of disconnection and violation and the paths to reconnection	April 26-27, 1996 8:45am-5:00pm Park Plaza Hotel BOSTON	Judith Reiner Platt Cambridge Hospital (617) 864-6165
ROAD RACE A road race co-sponsored by Bristol, Plymouth and Cape and Islands District Attorneys' offices to benefit agencies within the 3 districts. Free t-shirts to first 50 registrants from each county, \$12 registration	April 27, 1996 1:00pm DW Fields Park BROCKTON	Michelle Mawn, (508) 584-8120 Michele Stanton, (508) 997-0711 Ginny Bein, (508) 362-8103
REGIONAL MEETING Keynote speaker Betsy Pagan, "Surviving Domestic Violence: The Impact of Trauma on the Family", also Donna Doyle, MS, RN, CNM will speak on "The Sexual Assault Nurse Examiner: The S.A.N.E. Program"	April 27, 1996 Call for time NE Univ, Ell Center BOSTON	Dr. Margaret Mahoney College of Nursing (617) 373-3108
DOMESTIC VIOLENCE INTERVENTION TRAINING Comprehensive training for new volunteers	April 27-28, 1996 9:00am-4:00pm 51 Inman St. CAMBRIDGE	Sandy Middleton Transition House (617) 868-5531
WALK FOR HAWC A five mile walk through historic Salem to raise money for Help for Abused Women & their Children	April 28, 1996 2:00pm Call for exact location SALEM	Donna Bremberg, Sue Drake or Deborah Walker HAWC (508) 744-8552
WALK FOR WOMEN'S LIVES A pledge walk to benefit 7 programs for battered women, rape survivors and economically disadvantaged girls, sponsored by AAW, NOW & League of Women Voters	April 28, 1996 12:00-3:00pm Concord Academy CONCORD	Sadie (508) 820-0834
VIGIL FOR HOMICIDE VICTIMS Celebration of Victims' lives with prayers, music and speakers, and a balloon launch with each victim's name read by families and community members, sponsored by Charlestown After Murder Program	April 28, 1996 3:00pm St. Catherine's Church CHARLESTOWN	Sandy King (617)356-5331 Pam Enos (617)242-0995

EVENT	DATE/TIME LOCATION	CONTACT
THE CLOTHESLINE PROJECT A visual display that bears witness to violence against women	April 29-30, 1996 10:00am-7:00pm Community College GREENFIELD	Donna Larson Greenfield Community College (413) 774-3131 x258
SOUTHEAST REGIONAL TRAINING FOR PROFESSIONALS Regional professional trainings to provide information and resource awareness to the many professionals and agencies who serve older battered women, sponsored by Massachusetts Older Women and Domestic Violence Prevention Project	April 30, 1996 8:30am-4:00pm Holiday Inn TAUNTON	Marlyne Campbell, Director (617) 624-5418 Annette Smith, Trainer (617) 727-7750
EAST BOSTON DISTRICT COURT LAW DAY A meeting to raise awareness about the court and its functions to students in elementary thru high school	May 1, 1996 Call for time District Court EAST BOSTON	Jaime Bachrach Suffolk D.A.'s Victim Assistance (617) 567-8650
HOMOPHOBIA WORKSHOP A workshop to explore the issue of homophobia in society in a creative and fun way	May 2, 1996 6:30-8:00pm 72 Federal Street GREENFIELD	Lorena Norwood DIAL-SELF (413) 774-7054
TEEN RESOURCE PROJECT/NEW VISIONS PRESENTS "COLORS" A theatre presentation about a teen facing the struggle for peer acceptance and recruited by a gang, sponsored by Greenfield Community College, Greenfield High School & Community Coalition for Teens	May 3, 1996 7:00pm Greenfield High School GREENFIELD	Joanne Brimmer (413) 772-1356
TAKE BACK THE NIGHT RALLY AND MARCH Speak out against violence against women in our community, includes showing the "Clothesline Project"	May 9, 1996 7:00pm Town Common GREENFIELD	Mary Kociela NELCWIT (413) 772-0871 x25
WEEK OF AWARENESS Various workshops throughout the week in local high schools on mediation, anti-oppression and teen dating violence	May 3-9, 1996 call for details	Mary Kociela NELCWIT (413) 772-0871 x25

Compiled March 1996 by the Massachusetts Office for Victim Assistance (617)727-5200

Exhibitors' Listing

Attorney General's Office, Victim Compensation & Assistance Division
Boston City Hospital, Child Witness to Violence Project
Casa Myrna Vazquez, Boston
Children's Charter, Inc., Waltham
Clothesline Project, Greater Boston N.O.W.
Community Advocacy Program/ Center for Community Health, Boston
Criminal History Systems Board, Victim Service Unit
D.O.V.E, Quincy
Deana's Fund, Inc., Canton
Elizabeth Stone House, Jamaica Plain
Fenway Community Health Center, Victim Recovery Program, Boston
Healing Arts Institute, Cambridge
International Institute of Boston
Little House Health Center, Dorchester
Mass. Dept. of Public Health, Older Women and Domestic Violence Prevention Project
Mass. Dept. of Public Health, Weapon-Related Injury Surveillance System
Massachusetts Parole Board
Mujeres Unidas En Accion, Dorchester
Museum of Fine Arts, Museum School of Boston, Committee on Domestic Violence
New Hope, Inc., Battered Women's Program, Attleboro
Omega Support Services, Somerville & Quincy
Our Sister's Place, Fall River
Saint Anne's Hospital Pediatric Sexual Abuse Program, Fall River
Services Against Family Violence, Malden
South Shore Women's Center, Plymouth
Supportive Care, Lawrence
Transition House, Cambridge
Trauma Center at HRI, Brookline,
Victim Witness Directors' Association
Womansplace Crisis Center, Brockton

Recognition of Victim Witness Advocates
Celebrating Their 10 years of Service to Crime Victims

Essex County District Attorney's Office
***Fay Ciaramitaro**

Hampden County District Attorney's Office
***Kevin O'Connor**

Worcester County District Attorney's Office
***Mary Ann Pirani**
***Heather A. Rocheford**

The Massachusetts Victim Bill of Rights

The Massachusetts Victim Bill of Rights provides the following rights to crime victims in order to ensure them a meaningful role in the criminal justice system. **Services available under the Victim Bill of Rights are provided to the greatest extent possible, but are subject to and depend on public funding and available resources.** Victims who were physically injured or were threatened with physical injury during a crime are given priority status for services. If you wish to be notified of the status of a pending criminal case, you should provide to prosecutors and others a current address and phone number at which you can be reached.

The Right to Information on the Criminal Justice System:

- You have the right to be informed of how a criminal case progresses through the system, what your role is in the process, what will be expected of you, and why.
 - You have the right to be informed of rights and services for victims in the court process.
 - You have the right to assistance in applying for social services, financial assistance and certification to receive information about an offender.
- ## The Right to Information on the Criminal Case Involving You:
- Upon request, you have the right to be updated on significant developments in the case.
 - You have the right to be notified in a timely manner of any changes in schedule for court appearances for which you have been ordered to appear.
 - You have the right to be notified of the final disposition of the case, including an explanation of the type of sentence imposed and a copy of the conditions of probation, if any.
 - You have the right to be notified by the supervising probation officer whenever an offender seeks to change a restitution order.

The Right to be Heard and Present at Court Proceedings:

- You and your family members have the right to be present at all court proceedings unless you are to testify and the judge determines your testimony may be influenced by your presence.
- At sentencing, you have the right to present a Victim Impact Statement to the court about the physical, emotional and financial effects of the crime on you and about your opinion regarding the sentence to be imposed.
- You have the right to submit your Victim Impact Statement to the Parole Board as part of its records on the offender.
- You have the right to be heard at any hearing in which the offender is seeking to change a restitution order.
- You have the right to be heard at any other time deemed appropriate by the judge.

The Right to Confer at Key Stages in the Court Process:

- You have the right to confer with the prosecutor before the start of the case, before a case is dismissed, and before a sentence recommendation is made.
- You have the right to confer with the prosecutor whenever a defense motion is made to obtain your psychiatric records or other confidential information.
- You have the right to confer with the probation officer about the impact of the crime on you before the officer files a full presentence report on the offender with the court.

The Right to Financial Assistance:

- You may be eligible to apply for Victim Compensation for certain out-of-pocket expenses, such as medical, counseling or funeral costs, or lost wages incurred as a direct result of the crime.
- You have the right to a witness fee for each day that you are required to be in court.
- You have the right to request that the judge order the offender to pay restitution for your crime-related losses, and to receive a copy of the offender's schedule of restitution payments.
- You may be able to pursue a civil lawsuit for damages caused as a result of the crime by consulting a private attorney.

The Right to be Notified of an Offender's Release:

- Upon request, you have the right to advance notification whenever the offender is moved to a less secure correction facility.
- Upon request, you have the right to advance notification whenever the offender receives a temporary, provisional or final release from custody.
- Upon request, you have the right to notification whenever the offender escapes from custody.
- You have the right to be informed by the Parole Board of the offender's parole eligibility.
- You may be eligible to get additional information about the offender, such as a criminal record or the offender's compliance with the terms of a sentence.

The Right to Other Protections in the Criminal Justice System:

- You have the right to request confidentiality for yourself and family members during the court proceedings for personal information, including home address, telephone number, school and place of employment.
- You have the right to protection by law enforcement from harm or threats of harm as a result of your cooperation with the court process.
- You have the right to a safe waiting area which is separate from the defendant and the defendant's family during court proceedings.
- You have the right to a prompt disposition of the case involving you.
- You have the right to decline or agree to submit to any defense interview before trial, or to set reasonable conditions on the conduct of any such interview.
- You have the right to request employer and creditor intercession by the prosecutor's office if the crime or your involvement in the court process causes problems with an employer or in meeting financial obligations.
- You have the right to have any property seized as evidence returned to you as soon as possible once it is no longer needed for law enforcement purposes.

These rights are set forth in state law in Chapter 258B of the Massachusetts General Laws. The expanded rights became effective on August 13, 1995.

The Victim Rights Law of 1995

(Chapter 24 of the Acts of 1995)

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Ninety-five

AN ACT RELATIVE TO VICTIM ASSISTANCE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The second paragraph of section 17 of chapter 211B of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following two sentences:- The chief justice for administration and management shall, subject to appropriation and to available resources, provide a separate and secure waiting area or room in each division or court within the superior, probate and family, juvenile, Boston municipal and district court departments of the trial court for victims, family members and witnesses during court proceedings, as provided by clause (1) of section three of chapter two hundred and fifty-eight B. Said chief justice for administration and management shall, subject to appropriation and to available resources, include provisions for a safe and secure waiting area or room for all new construction and renovations of court facilities in said departments.

SECTION 2. Section 1 of chapter 258B of the General Laws, as so appearing, is hereby amended by inserting after the word "criminal", in line 6, the following words:- and delinquency.

SECTION 3. Said section 1 of said chapter 258B, as so appearing, is hereby further amended by striking out the definition of "Family member" and inserting in place thereof the following two definitions:-

"Family member", a spouse, child, stepchild, sibling, parent, stepparent, dependent, as defined in section one of chapter two hundred and fifty-eight C, or legal guardian of a victim, unless such family member has been charged in relation to the crime against the victim;

"Prosecutor", the attorney general, assistant attorneys general, district attorney, assistant district attorneys, police prosecutors, other attorneys specially appointed to aid in the prosecution of a case, law students approved for practice pursuant to and acting as authorized by the rules of the supreme

judicial court, or any other person acting on behalf of the commonwealth, including victim-witness advocates.

SECTION 4. Said section 1 of said chapter 258B, as so appearing, is hereby further amended by striking out the definition of "Victim" and inserting in place thereof the following two definitions:-

"Victim", any natural person who suffers direct or threatened physical, emotional, or financial harm as the result of the commission or attempted commission of a crime or delinquency offense, as demonstrated by the issuance of a complaint or indictment, the family members of such person if the person is a minor, incompetent or deceased, and, for relevant provisions of this chapter, a person who is the subject of a case reported to a prosecutor pursuant to section eighteen of chapter nineteen A, sections five and nine of chapter nineteen C, and section fifty-one B of chapter one hundred and nineteen, and the family members of such person if the person is a minor, incompetent or deceased;

"Victim-witness advocate", an individual employed by a prosecutor, the board, or other criminal justice agency to provide necessary and essential services in carrying out policies and procedures under this chapter.

SECTION 5. Said chapter 258B is hereby further amended by striking out sections 2 and 3, as so appearing, and inserting in place thereof the following two sections:-

Section 2. Prosecutors shall not be precluded from providing, subject to appropriation, services under this chapter to any natural person or family member of such natural person who suffers direct or threatened physical, emotional or financial harm as the result of the commission or attempted commission of a crime or delinquency offense in which complaints or indictments have not been issued.

Section 3. To provide victims a meaningful role in the criminal justice system, victims and witnesses of crime, or in the event the victim is deceased, the family members of the victim, shall be afforded the following basic and fundamental rights, to the greatest extent possible and subject to appropriation and to available resources, with priority for services to be provided to victims of crimes against the person and crimes where physical injury to a person results:

(a) for victims, to be informed by the prosecutor about the victim's rights in the criminal process, including but not limited to the rights pro-

vided under this chapter. At the beginning of the criminal justice process, the prosecutor shall provide an explanation to the victim of how a case progresses through the criminal justice system, what the victim's role is in the process, what the system may expect from the victim, why the system requires this, and, if the victim requests, the prosecutor shall periodically apprise the victim of significant developments in the case;

(b) for victims and family members, to be present at all court proceedings related to the offense committed against the victim, unless the victim or family member is to testify and the court determines that the person's testimony would be materially affected by hearing other testimony at trial and orders the person to be excluded from the courtroom during certain other testimony;

(c) for victims and witnesses, to be notified by the prosecutor, in a timely manner, when a court proceeding to which they have been summoned will not go on as scheduled, provided that such changes are known in advance. In order to notify victims and witnesses, a form shall be provided to them by the prosecutor for the purpose of maintaining a current telephone number and address. The victim or witness shall thereafter maintain with the prosecutor a current telephone number and address;

(d) for victims and witnesses, to be provided with information by the prosecutor as to the level of protection available and to receive protection from the local law enforcement agencies from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;

(e) for victims, to be informed by the prosecutor of financial assistance and other social services available to victims, including information relative to applying for such assistance or services;

(f) for victims and witnesses, to a prompt disposition of the case in which they are involved as a victim or a witness;

(g) for victims, to confer with the prosecutor before the commencement of the trial, before any hearing on motions by the defense to obtain psychiatric or other confidential records, and before the filing of a nolle prosequi or other act by the commonwealth terminating the prosecution or before the submission of the commonwealth's proposed sentence recommendation to the court. The prosecutor shall inform the court of the victim's position, if known, regarding the prosecutor's sentence recommendation. The right of the victim to

confer with the prosecutor does not include the authority to direct the prosecution of the case;

(h) for victims and witnesses, to be informed of the right to request confidentiality in the criminal justice system. Upon the court's approval of such request, no law enforcement agency, prosecutor, defense counsel, or parole, probation or corrections official may disclose or state in open court, except among themselves, the residential address, telephone number, or place of employment or school of the victim, a victim's family member, or a witness, except as otherwise ordered by the court. The court may enter such other orders or conditions to maintain limited disclosure of the information as it deems appropriate to protect the privacy and safety of victims, victims' family members and witnesses;

(i) for victims, family members and witnesses, to be provided, subject to appropriation and to available resources, by the prosecutor with a secure waiting area or room which is separate from the waiting area of the defendant or the defendant's family, friends, attorneys or witnesses, during court proceedings. The court shall, subject to appropriation and to available resources, designate a waiting area at each courthouse and develop any reasonable safeguards to minimize contact between victims and the defendant, or the defendant's family, friends, attorneys or witnesses;

(j) for victims and witnesses, to be informed by the court and the prosecutor of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;

(k) for victims and witnesses, to be provided, where appropriate, with employer and creditor intercession services by the prosecutor to seek employer cooperation in minimizing employees' loss of pay and other benefits resulting from their participation in the criminal justice process, and to seek consideration from creditors if the victim is unable, temporarily, to continue payments;

(l) for victims or witnesses who have received a subpoena to testify, to be free from discharge or penalty or threat of discharge or penalty by his employer by reason of his attendance as a witness at a criminal proceeding. A victim or witness who notifies his employer of his subpoena to appear as a witness prior to his attendance, shall not on account of his absence from employment by reason of such witness service be subject to discharge or penalty by his employer. Any employer or agent of said employer who discharges or

disciplines or continues to threaten to discharge or discipline a victim or witness because that victim or witness is subpoenaed to attend court for the purpose of giving testimony may be subject to the sanctions stated in section fourteen A of chapter two hundred and sixty-eight:

(m) for victims and witnesses, to be informed of the right to submit to or decline an interview by defense counsel or anyone acting on the defendant's behalf, except when responding to lawful process, and, if the victim or witness decides to submit to an interview, the right to impose reasonable conditions on the conduct of the interview;

(n) for victims, to confer with the probation officer prior to the filing of the full presentence report. If the victim is not available or declines to confer, the probation officer shall record that information in the report. If the probation officer is not able to confer with the victim or the victim declines to confer, the probation officer shall note in the full presentence report the reason why the probation officer did not make contact with the victim;

(o) for victims, to request that restitution be an element of the final disposition of a case and to obtain assistance from the prosecutor in the documentation of the victim's losses. If restitution is ordered as part of a case disposition, the victim has the right to receive from the probation department a copy of the schedule of restitution payments and the name and telephone number of the probation officer or other official who is responsible for supervising the defendant's payments. If the offender seeks to modify the restitution order, the offender's supervising probation officer shall provide notice to the victim and the victim shall have the right to be heard at any hearing relative to the proposed modification.

(p) for victims, to be heard through an oral and written victim impact statement at sentencing or the disposition of the case against the defendant about the effects of the crime on the victim and as to a recommended sentence, pursuant to section four B of chapter two hundred and seventy-nine, and to be heard at any other time deemed appropriate by the court. The victim also has a right to submit the victim impact statement to the parole board for inclusion in its records regarding the perpetrator of the crime;

(q) for victims, to be informed by the prosecutor of the final disposition of the case, including, where applicable, an explanation of the type of sentence imposed by the court and a copy of the court order setting forth the

conditions of probation or other supervised or unsupervised release within thirty days of establishing the conditions, with the name and telephone number of the probation officer, if any, assigned to the defendant:

(r) for victims, to have any personal property that was stolen or taken for evidentiary purposes, except contraband, property subject to evidentiary analysis, and property the ownership of which is disputed, returned by the court, the prosecutor or law enforcement agencies within ten days of its taking or recovery if it is not needed for law enforcement or prosecution purposes or as expeditiously as possible when said property is no longer needed for law enforcement or prosecution purposes;

(s) for victims, to be informed by the parole board of information regarding the defendant's parole eligibility and status in the criminal justice system;

(t) for victims, to be informed in advance by the appropriate custodial authority whenever the defendant receives a temporary, provisional or final release from custody, whenever a defendant is moved from a secure facility to a less-secure facility, and whenever the defendant escapes from custody. The victim shall be informed by the prosecutor about notification rights and the certification process required to access the criminal offender record information files. Persons requesting such notice must provide the appropriate authority with current information as to their address and telephone number;

(u) for victims, to be informed that the victim may have a right to pursue a civil action for damages relating to the crime, regardless of whether the court has ordered the defendant to make restitution to the victim.

SECTION 6. Said chapter 258B is hereby further amended by striking out section 10, as so appearing, and inserting in place thereof the following four sections:-

Section 10. Nothing in this chapter shall be construed as creating an entitlement or a cause of action on behalf of any person against any public employee, public agency, the commonwealth or any agency responsible for the enforcement of rights and provision of services set forth in this chapter.

Section 11. The rights and duties established under this chapter shall continue to be enforceable until the final disposition of the charges, including acquittal or dismissal of charges, all post-conviction release proceedings, post-conviction relief proceedings, all appellate proceedings, and the discharge of all criminal proceedings relating to restitution. If a defend-

ant's conviction or adjudication of delinquency is reversed and the case is returned to the trial court for further proceedings, the victim shall have the same rights that applied to the criminal or delinquency proceedings that led to the appeal or other post-conviction relief proceeding.

Section 12. Law enforcement agencies, prosecutors, judges, probation officers, clerks and corrections officials shall assure that victims of crime are afforded the rights established in this chapter.

Unless specifically stated otherwise, the requirements to provide information to the victim may be satisfied by either written or oral communication with the victim. The person responsible for providing such information shall do so in a timely manner and shall advise the victim of any significant changes in such information.

The board shall assist the prosecutors in providing the rights set forth in this chapter by preparing for distribution to victims written materials explaining the rights and services to which they are entitled.

A victim or family member may request assistance from the board in obtaining the rights provided under this chapter by the court or by any criminal justice agency responsible for implementing such rights. In order to address the victim's concerns, the board may seek assistance from the district attorney governing the jurisdiction in which the crime against the victim is alleged to have been committed or from the attorney general.

A victim or family member may request assistance from the district attorney or the attorney general in obtaining the rights provided under this chapter by the court or by any criminal justice agency responsible for implementing such rights.

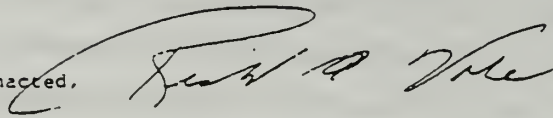
Section 13. A defendant or person convicted of a criminal or delinquency offense against the victim shall have no standing to object to any failure to comply with this chapter, and the failure to provide a right, privilege or notice to a victim under this chapter shall not be grounds for the defendant or person convicted of a criminal or delinquency offense to seek to have the conviction or sentence set aside.

SECTION 7. Section 4B of chapter 279 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "the provisions of paragraph (b) of section twenty-four G of chapter ninety or any felony" and inserting in place thereof the following words:- any felony or

any crime against the person or crime where physical injury to a person results.

House of Representatives, May 4, 1995.

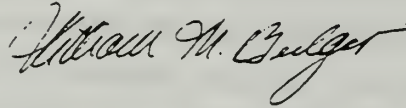
Passed to be enacted,



Acting
Speaker.

In Senate, May 4, 1995.

Passed to be enacted,

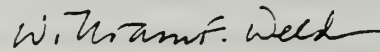


President.

16 May, 1995.

Approved,

4:35 PM



Governor.

Workshop A
Child Sexual Abuse:
Current Issues in Investigation & Prosecution

Child Sexual Abuse: Current Issues in Investigation and Prosecution

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Child Victimizers: Violent Offenders and their Victims

Jointly published with the
Office of Juvenile Justice
and Delinquency Prevention

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March 1996, NCJ-153258

Highlights

Based on the reports of offenders in the Survey of Inmates of State Correctional Facilities:

Characteristics of offenses against children

► An estimated 18.6% of inmates serving time in State prisons in 1991 for violent crimes, or about 61,000 offenders nationwide, had been convicted of a crime against a victim under age 18.

► 1 in 5 violent offenders serving time in a State prison reported having victimized a child.

► More than half the violent crimes committed against children involved victims age 12 or younger.

► 7 in 10 offenders with child victims reported that they were imprisoned for a rape or sexual assault.

► Two-thirds of all prisoners convicted of rape or sexual assault had committed their crime against a child.

Characteristics of the offenders

► All but 3% of offenders who committed violent crimes against children were male.

► Offenders who had victimized a child were on average 5 years older than the violent offenders who had committed their crimes against adults. Nearly 25% of child victimizers were age 40 or older, but about 10% of the inmates with adult victims fell in that age range.

► While nearly 70% of those serving time for violent crimes against children were white, whites accounted for 40% of those imprisoned for violent crimes against adults.

► Inmates who victimized children were less likely than other inmates to have a prior criminal record — nearly a

third of child-victimizers had never been arrested prior to the current offense, compared to less than 20% of those who victimized adults.

► Violent child-victimizers were substantially more likely than those with adult victims to have been physically or sexually abused when they were children, though the majority of violent offenders, regardless of victim age, did not have a history of such abuse.

► About 14% of child victimizers carried a weapon during the violent crime, compared to nearly half of those who victimized adults.

► About 10% of violent offenders with child victims received life or death sentences and the average prison term was 11 years, somewhat shorter average sentences than received by those with adult victims.

Characteristics of the victims

► 3 in 10 child victimizers reported that they had committed their crimes against multiple victims; they were more likely than those who victimized adults to have had multiple victims.

► 3 in 4 child victims of violence were female.

► For the vast majority of child-victimizers in State prison, the victim was someone they knew before the crime:

A third had committed their crime against their own child.

About half had a relationship with the victim as a friend, acquaintance, or relative other than offspring.

About 1 in 7 reported the victim to have been a stranger to them.

► Three-quarters of the violent victimizations of children took place in either the victim's home or the offender's home.

► 4 in 10 child victims of violence suffered either a forcible rape or another injury.

Child murder victims

Based on incident-level homicide data collected by the FBI:

► Children under the age of 18 accounted for 11% of all murder victims in the United States in 1994. Nearly half of the 2,660 child victims were between ages 15 and 17. About 1 in 5 child victims were known to be killed by another child.

► Between 1976 and 1994 an estimated 37,000 children were murdered.

► Since the mid-1980's the increases in both the number and the rate of murder among persons age 15 to 17, and particularly among black youth in this age range, have outpaced changes in murder in all other age groups.

► The victim-offender relationship in child murder varies with the age of the victim: In most murders of a young child, a family member killed the child, while in most murders of an older child, age 15 to 17, the perpetrator was an acquaintance to the victim or was unknown to law enforcement authorities. About 1 in 5 child murders were committed by a family member.

► Half of all child murders in 1994 were committed with a handgun; about 7 in 10 victims age 15 to 17 were killed with a handgun.

About the sources of data

Descriptions of the 1991 Survey of Inmates in State Correctional Facilities and of the Supplementary Homicide Reports begin on page 23.

Violent offenders who committed crimes against children

Table 1. Offense distribution of State prisoners and percent of those prisoners with victims under age 18, 1991

Offense	State prison inmates, by offense				Percent of all prisoners serving time for crimes against children
	All prisoners		Child victimizers		
	Number	Percent	Number	Percent	
All offenses	711,643	100.0%	65,163	100.0%	9.2%
Violent offenses	327,958	46.1%	61,037	93.7%	18.6%
Homicide	87,479	12.3%	5,792	8.9%	6.6%
Murder	74,693	10.5	4,677	7.2	6.3
Negligent manslaughter	12,786	1.8	1,115	1.7	8.7
Kidnaping	8,369	1.2	1,508	2.3%	18.0%
Rape and sexual assault	66,482	9.3%	43,552	66.8%	65.5%
Forcible rape	22,797	3.2	8,908	13.7	39.1
Forcible sodomy	2,036	.3	1,741	2.7	85.5
Statutory rape	1,162	.2	1,102	1.7	94.8
Lewd acts with children	10,799	1.5	10,799	16.6	100.0
Other sexual assault	29,688	4.2	21,002	32.2	70.7
Robbery	104,136	14.6	3,772	5.8%	3.6%
Assault	59,275	8.3%	6,058	9.3%	10.2%
Aggravated assault	55,549	7.8	3,933	6.0	7.1
Child abuse	1,717	.2	1,717	2.6	100.0
Simple assault	2,009	.3	408	6	20.3
Other violent	2,217	.3%	355	.5%	16.0%
Nonviolent offenses	383,685	53.9%	4,126	6.3%	1.1%

Note: Aggravated assault includes assault on a police officer. The victim-offender relationship was generally asked for those offenders serving time for violence. However, some offenders serving time for the public-order crimes involving offenses against morals and decency reported that their victims had been children. Detail may not add to totals because of rounding.

Nearly two-thirds of rapists and sexual assaulters in State prison committed their crime against a child

The 1991 Survey of Inmates in State Correctional Facilities revealed that just under half of all prisoners incarcerated in State prisons had been convicted of one or more violent crimes (table 1). These violent offenders were asked to describe various characteristics of their victims, including their best estimate of the victim's age at the time of the crime.

- For an estimated 18.6% of violent State prisoners, the most serious crime for which they were serving time had been committed against a child. In 1991 this translated into about 61,000 child victimizers held in confinement by State authorities from among the 328,000 inmates imprisoned for violent crimes.
- Among all State prison inmates sentenced for these crimes, there were —
— 15 times as many murderers of adults as murderers of children

— 4½ times as many kidnapers with adult victims as kidnapers of children
— 1½ times as many forcible rapists with adult victims as with child victims
— nearly 27 times as many robbers with adult victims as robbers with child victims
— 13 times as many offenders convicted of aggravated assault of an adult as those who had assaulted a child.

Rape and sexual assault

- Among the victimizers of children, two-thirds had committed a rape or sexual assault. According to the self-reports of violent offenders, nearly 4 in 10 inmates incarcerated for forcible rape and more than 8 out of 10 incarcerated for a forcible sodomy had committed their crimes against a victim who was below age 18.

Murder

- An estimated 7.2% of child victimizers in prison had murdered their victims.

Physical assault

- Aggravated assault, child abuse, and simple assault accounted for about 9% of the inmates serving time for crimes against children. Overall, about 1 in 10 State prison inmates convicted of assault had a victim who was a child.
- A conviction offense for the specific offense of child abuse was infrequent among those imprisoned, accounting for about 1 in 500 inmates nationwide and less than 3% of those serving time for crimes against children.

More than half of violent child victimizers had victims age 12 or younger

More than half the inmates with child victims who had been convicted of violence, or about 10% of all violent offenders in State prisons, reported that their victims had been age 12 or younger (table 2). An estimated 33,000 offenders were serving time in 1991 for violent crimes committed against these young children — more than 25,000 of these, or 3 out of 4, committed a rape or sexual assault against a young child.

• Certain types of violent crimes were more commonly described by offenders with younger child victims, such as lewd acts with a child (fondling, molestation, or indecent practices) and child abuse, while those with older child victims were more likely to have committed forcible rape or robbery (figure 1).

• Offense distributions for incarcerated offenders with child victims varied by the age of the victim:

Offense	Percent of violent offenders with victims —	
	Age 12 or less	Ages 13-17
All violent offenses	100.0%	100.0%
Homicide	9.0%	10.3%
Murder	6.8	8.9
Negligent manslaughter	2.2	1.4
Kidnaping	2.0%	3.1%
Rape and sexual assault	75.4%	66.3%
Forcible rape	11.7	18.6
Forcible sodomy	3.1	2.6
Statutory rape	1.8	1.4
Lewd acts with children	21.6	11.8
Other sexual assault	37.2	31.9
Robbery	3.2%	9.6%
Assault	9.7%	10.4%
Aggravated assault	4.9	8.6
Child abuse	4.5	.7
Simple assault	.2	1.2
Other violent	.7%	.3%
Number of inmates	33,287	26,998

• Among inmates with child victims, more than half of those convicted of negligent manslaughter, forcible sodomy, statutory rape, lewd acts with children, other sexual assaults, or assault reported that their victims had been age 12 or younger.

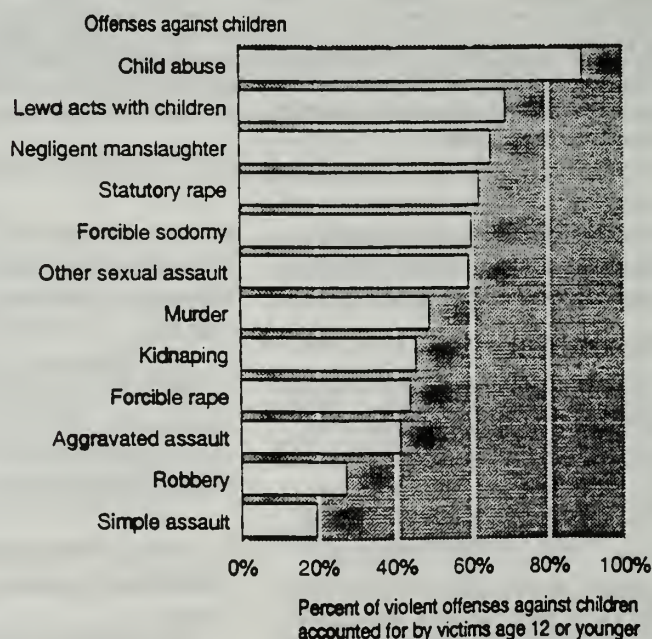
• Those inmates who had attacked children age 12 or younger accounted for almost 90% of State prisoners serving time for child abuse, more than 50% of those convicted of forcible sodomy, 17% of forcible rape offenders, 8% of those incarcerated for kidnaping or abduction, 6% of those serving time for negligent manslaughter, 5% of those convicted of assault, and 3% of all murderers in State prisons.

Table 2. Violent child victimizers in State prisons, by age of victim, 1991

Violent offense	Prisoners serving time for crimes against children			
	All	Victims age 12 or younger	Victims age 13 to 17	Percent with victims age 12 or younger
Total	60,285	33,287	26,998	55.2%
Homicide	5,792	3,006	2,787	51.9%
Murder	4,677	2,279	2,399	48.7
Negligent manslaughter	1,115	727	388	65.2
Kidnaping	1,508	682	826	45.2%
Rape and sexual assault	42,993	25,102	17,892	58.4%
Forcible rape	8,908	3,893	5,015	43.7
Forcible sodomy	1,729	1,039	690	60.1
Statutory rape	984	611	373	62.1
Lewd acts with children	10,370	7,175	3,195	69.2
Other sexual assault	21,002	12,384	8,619	59.0
Robbery	3,656	1,051	2,605	28.7%
Assault	6,035	3,215	2,818	53.3%
Aggravated assault	3,933	1,623	2,309	41.3
Child abuse	1,694	1,513	181	89.3
Simple assault	408	79	328	19.4
Other violent	301	231	70	76.7%

Note: Excludes 752 cases for which the specific age of the victim was not reported. Detail may not add to total because of rounding.

Children under age 13 were victimized by types of crime different from those victimizing children age 13-17



When the victims were younger, the offender was more likely to have been convicted of child abuse, lewd acts, statutory rape, or sodomy. Older child victims were more often reported by those convicted of forcible rape, robbery, or assault.

Fig. 1

Characteristics of offenders who victimized children

Inmates convicted of violence against children were more likely to have been white, to have been married, and to have been older than offenders who victimized adults

The characteristics and backgrounds of inmates who committed their offenses against children differed markedly from those offenders who reported an adult victim. Though both

groups of offenders were similar in being composed almost entirely of men, significant contrasts were found in the following:

white, while just over 25% of child victimizers were black.

- White inmates were nearly 3 times more likely than black inmates to have had a child victim. About 27% of all white inmates in State prisons for violent crimes committed their crimes against a child; less than 10% of black inmates serving time for violence had a child victim.

Table 4. Demographic characteristics of violent offenders, by victim age, 1991

Characteristic of violent offenders	Percent of violent offenders in State prison having —		
	All	Child victims	Adult victims
Total	100 %	100 %	100 %
Sex			
Male	96.2%	96.6%	96.1%
Female	3.8	3.4	3.9
Race			
White	48.0%	69.7%	43.1%
Black	48.1	25.5	53.3
Other	3.9	4.8	3.6
Hispanic origin			
Hispanic	13.9%	11.1%	14.5%
Non-Hispanic	86.1	88.9	85.5
Marital status			
Married	17.1%	23.3%	15.7%
Widowed	2.6	2.0	2.7
Divorced	21.4	32.7	18.9
Separated	5.6	5.4	5.6
Never married	53.3	36.5	57.1
Age at arrest for current offense			
17 or younger	3.0%	2.1%	3.2%
18-24	38.1	26.1	40.8
25-29	22.1	17.6	23.1
30-34	15.0	16.9	14.6
35-39	8.8	12.0	8.1
40-44	5.0	7.9	4.4
45-49	3.4	6.2	2.7
50-54	1.7	4.1	1.2
55-59	1.5	4.3	.9
60 or older	1.4	2.8	1.0
Mean age at arrest	29 yr	33 yr	28 yr
Median age at arrest	27	31	26
Education			
8th grade or less	13.5%	17.1%	12.7%
9th grade	12.1	11.4	12.2
10th grade	16.2	12.9	17
11th grade	17.9	14.0	18.7
12th grade	26.0	26.9	25.8
College	14.3	17.7	13.6
Employment in month before arrest			
Employed	69.6%	78.0%	67.7%
Unemployed	30.4	22.0	32.3
Total number	327,958	61,037	266,920

Race

- Among imprisoned violent offenders, about equal percentages were white (48.0%) or black (48.1%) (table 4). By contrast, nearly 70% of child victimizers were

Hispanic origin

- Little difference in the percentages of Hispanic prisoners existed between those serving time for violence against children — 11.1% were Hispanic — and those convicted for violence against adults — 14.5% were Hispanic. About 1 in every 7 Hispanic

inmates imprisoned for a violent crime reported that their victim was under age 18.

Marital status

- Marital status distinguished child victimizers from adult victimizers in the violent State inmate population. Child victimizers were substantially more likely than adult victimizers to have ever been married. Nearly two-thirds of those who reported having committed their crime against a child had married; nearly 6 in 10 adult victimizers had never married.

State prisoners who had committed their crime against a child comprised over 45% of violent inmates arrested in their 50's and under 14% of those arrested in their 20's.

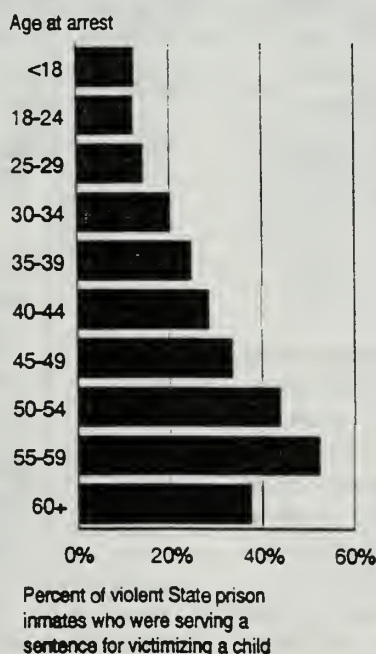


Fig. 5

Age

• The age of victims varied inversely with the age of offenders — inmates who were older at the time of the arrest for the violent crimes for which they had been imprisoned were more likely to have had child victims (figure 5). At the time of the arrest for the violent crime which brought them to prison, child victimizers were an average 5 years older than those who victimized adults.

• While about 11% of child victimizers were age 50 or older when arrested, about 3% of those who victimized adults were at least 50. Among those who had been arrested at age 24 or younger, about 1 in 8 had victimized a child; among those age 55 or older, nearly 4 in 8 had a child victim.

Offenders serving time for crimes against children were more likely to have grown up in homes with both parents present and to have suffered sexual abuse as a child

• Overall, in terms of the type of family background they had as children, white and black violent offenders differed sharply — 56% of the whites and 31% of the blacks grew up in homes with both parents present. The family background of white offenders, who made up three-fourths of those with a child victim, characterized a majority of child victimizers (table 5).

• Black victimizers of children had the same family background as black victimizers of adults. White victimizers of children were more likely than white

victimizers of adults to have lived with both parents.

Primarily grew up with—	Child victimizers		Adult victimizers	
	White	Black	White	Black
Single parent	25%	55%	34%	53%
Both parents	63	30	53	31
Other	12	15	13	16

• Adult and child victimizers did not substantially differ in the percentage who had ever been in an institution or foster home as a child, the percentage who said their parents or guardians had abused drugs or alcohol, and the percentage who reported that an immediate family member, parent, or sibling had ever served time for a crime.

Table 5. Family background of violent offenders, by age of victim, 1991

Characteristic of violent offenders	Percent of violent offenders in State prison having —		
	All	Child victims	Victims of other ages
Total	100.0%	100.0%	100.0%
Primarily grew up with —			
Mother only	39.0%	30.1%	41.0%
Father only	3.6	2.8	3.8
Both parents	43.7	54.2	41.2
Grandparents	7.3	5.7	7.7
Other relatives	3.0	2.2	3.2
Foster home or institution	2.7	4.3	2.3
Other	.7	.7	.8
Ever spent time in a foster home or institution			
Yes	18.5%	16.6%	18.8%
No	81.6	83.4	81.2
Parents/guardians abused drugs or alcohol			
Yes	27.7%	31.5%	26.9%
No	72.3	68.5	73.1
Immediate family member ever served time			
Yes	37.0%	35.6%	37.3%
No	63.0	64.4	62.7
Total number	327,958	61,037	266,920

Table 6. Prior physical or sexual abuse experienced by violent offenders, by age of victim, 1991

Characteristic of violent offenders	Percent of violent offenders in State prison having —		
	All	Child victims	Victims of other ages
Total	100.0%	100.0%	100.0%
Ever physically or sexually abused			
No	82.9%	69.0%	86.1%
Yes	17.1	31.0	13.9
Physical abuse only	8.2	8.8	8.1
Sexual abuse only	3.1	8.7	1.9
Both physical and sexual abuse	5.7	13.5	4.0
Age at which abuse occurred			
No abuse	82.9%	69.0%	86.1%
Abused	17.1	31.0	13.9
Less than 18 years old	12.4	25.7	9.3
18 years old or older	2.0	1.4	2.1
Both as a child and an adult	2.9	3.9	2.6
Who the abuser was			
No prior abuse	82.9%	69.0%	86.1%
Stranger	2.0	2.7	1.9
Known	15.1	28.3	12.0
Parent/guardian	7.9	13.7	6.5
Other relative	2.9	6.4	2.1
Acquaintance	4.3	8.1	3.4
Total number	327,958	61,037	266,920

Note: Other relatives includes spouses and ex-spouses and acquaintances includes boyfriends and girlfriends. Detail may not add to total because of rounding.

- The majority of violent offenders, regardless of the age of the victim of their imprisonment offense, reported no prior experience as a child or an adult with having been physically or sexually abused (table 6).

- Inmates with child victims were more than twice as likely as inmates with adult victims to report having suffered prior instances of physical or sexual abuse. The differences were particularly striking with respect to sexual abuse. While an estimated 22% of child victimizers reported having been sexually abused, less than 6% of adult victimizers reported such backgrounds.

- Among all violent offenders with a history of having been sexually

abused, nearly half had child victims. Among all violent offenders with a history of having been physically abused, nearly 30% had child victims. Among violent offenders with no history of physical or sexual abuse, 15.5% had child victims.

- About 95% of child victimizers and 86% of adult victimizers who reported having been abused physically or sexually said that such abuse had occurred while they were children. Among those who suffered physical or sexual abuse before age 18, 36% had child victims; among those who suffered abuse after entering adulthood, 13% had child victims.

- For about 9 out of 10 violent offenders experiencing prior physical or sexual abuse, the abuser was someone they had known. For both inmates with child victims and inmates with adult victims, about half reported that the abuse they suffered was by a parent or guardian. However, child victimizers (13.7%) were about twice as likely as adult victimizers (6.5%) to have suffered parental abuse. The percentage of child victimizers varied according to who had abused them:

Who abused the offenders	Percent of violent offenders with child victims
No abuse	15.5%
Stranger	24.5
Parent/guardian	32.4
Other relative	46.6
Acquaintances	43.1

Violent offenders with child victims reported less involvement than adult victimizers with drugs or alcohol at the time of the crime

About 6 in 10 inmates who committed their violent crime against an adult reported that they had either been drinking alcohol, using drugs, or doing both at the time they committed the offense (table 7). About 6 in 10 child victimizers reported that they were using neither drugs nor alcohol at the time of their crime.

- Among violent inmates reporting no use of drugs or alcohol at the time of the crime, 23.8% reported having victimized a child. Among those who reported alcohol use, 17.1% said they had committed their crime against a child. About 10% of drug users and 13% of those using both drugs and alcohol at the time of the crime reported that their victim had been a child.

- Nearly 4 in 10 child victimizers reported that they had been drinking at the time of the crime. Among drinkers, about half reported that they had been drinking for 6 hours or more preceding the offense.

Number of hours drinking	Percent of drinking child victimizers
1 hour or less	8.6%
2 hours	12.3
3 hours	10.7
4 hours	11.9
5 hours	7.9
6 or more hours	48.6

- About a third of adult victimizers and a fifth of child victimizers said they were using drugs at the time of the offense. The most commonly reported drugs used by all violent offenders, regardless of victim age, were marijuana and cocaine. About 1 in 71 child victimizers and 1 in 24 adult victimizers said that they had been using crack at the time of the offense.

Table 7. Drug and alcohol use by violent offenders, by age of victim

Alcohol and drug use at time of the offense	Percent of State prison inmates serving time for a violent offense	
	Child victims	Adult victims
Total	100.0%	100.0%
None	56.9	41.8
Drugs only	5.3	10.9
Alcohol only	23.9	26.5
Both alcohol and drugs	13.9	20.8
Type of drug used		
None	80.8%	68.3%
Any drug*	19.2	31.7
Marijuana	5.2	8.0
Cocaine	4.2	6.9
Crack	1.4	4.2
Heroin	1.7	4.4
LSD	.7	.8
PCP	.6	.8
Barbituates	.7	1.1
Amphetamines	1.2	1.3
Methamphetamines	.9	1.3

Note: Detail may not add to total because of rounding.

*Includes other drugs not separately shown. The percentages reflect the use of a hierarchy for inmates reporting more than one type of drug; only the most serious drug is considered.

Characteristics of child victims of violent crime

Among inmates who committed their violent crime against a child, 3 in 10 reported having victimized more than one child

State prison inmates who reported having committed their crime against a child were more likely to have had multiple victims (figure 7). Offenders with multiple child-victims were most likely to be serving time for robbery, aggravated assault, negligent manslaughter, or murder (table 10).

- Those serving time for the murder or negligent manslaughter of a child were nearly 3 times as likely as offenders convicted of the murder or negligent manslaughter of an adult to report having had multiple victims.

- Those serving time after conviction for forcible rape, sexual assault, robbery, and aggravated assault were all about twice as likely to report having had multiple victims if they described their victims as children.

Table 11. Estimated number of victims reported by child victimizers in State prison, 1991

Number of victims	Estimated number of offenders			Estimated number of victims		
	Age of child victims					
	Total	12 years old or less	13-17 years	Total	12 years or less	13-17 years
Total	60,405	33,047	26,998	94,510	53,843	40,667
1	42,769	22,656	20,113	42,769	22,656	20,113
More than 1	17,636	10,751	6,885	51,741	31,187	20,554
2	9,211	5,298	3,914	18,424	10,596	7,828
3	4,323	3,293	1,031	12,972	9,879	3,093
4	1,564	828	736	6,256	3,312	2,944
5	1,127	592	535	5,635	2,960	2,675
6	1,411	740	669	8,454	4,440	4,014

- About 7% of violent offenders who victimized children reported having had 4 or more child victims (table 11). Based on the estimated number of victims reported by the State inmates in 1991, the more than 60,000 violent offenders who had child victims may have had as many as 95,000 victims.

- While about 7 in 10 offenders reported having victimized one child, less than half of the child victims are accounted for by single-victim incidents. From the ages described by offenders who had multiple victims, it is possible to estimate that 57% of all child victims of violent State prisoners were age 12 or younger.

Table 10. Child victimizers and the estimated number of victims, by offense, 1991

Violent offense	Percent of child victimizers serving time in State prison	
	Single victims	Multiple victims
Total	70.7%	29.3%
Homicide	61.4%	38.6%
Murder	62.1	37.9
Negligent manslaughter	58.5	41.5
Kidnaping	76.5%	23.5%
Rape and sexual assault	76.7%	23.3%
Forcible rape	79.7	20.3
Forcible sodomy	75.3	24.7
Statutory rape	79.8	20.4
Lewd acts with children	68.9	31.1
Other sexual assault	79.2	20.8
Robbery	23.0%	77.0%
Assault	64.3%	35.6%
Aggravated assault	57.3	42.7
Child abuse	81.8	18.4
Simple assault	61.9	38.1
Other violent	95.6%	4.4%

In every violent crime category among State prison inmates, a higher percentage of those who had committed crimes against children than of those whose victims were adults reported having multiple victims

Percent of violent State prisoners with multiple victims

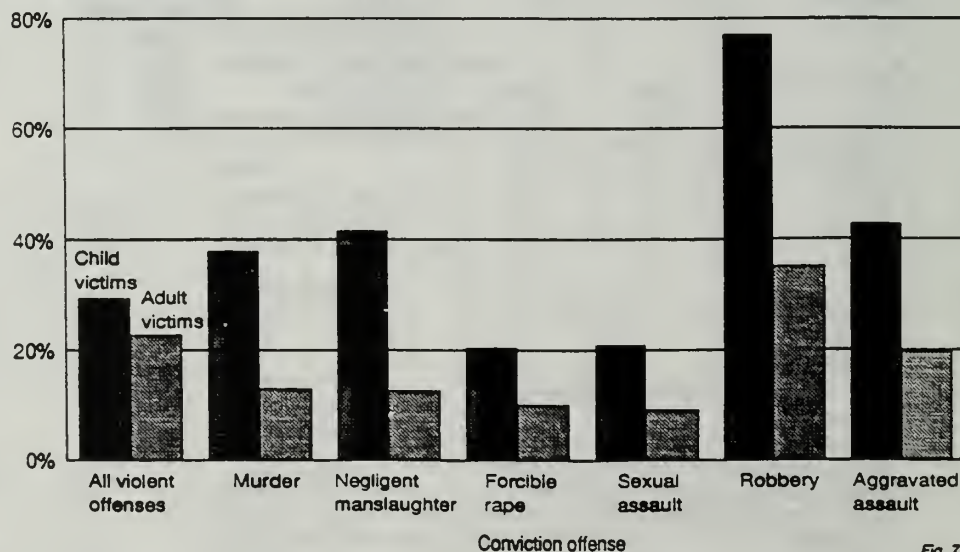


Fig. 7

Three out of four child victims of violent offenders were female and nearly a third were the offender's own child or stepchild

Inmates convicted of violent crimes against children described a wide variety of characteristics of their victims. Because most inmate descriptions of characteristics of victims in single victim incidents do not differ greatly from the characteristics of those in multiple victim incidents, this section focuses upon describing child victims utilizing

the 70% of offenders who had one victim.

- Among violent offenders who victimized children, the vast majority (75%) reported the victim had been a female (table 12).

- These child victims, like the inmates who described them, were more likely to have been white than the adult victims of violent offenders. Overall, for nearly 9 out of 10 child victims, the offender was of the same race.

- Just over half the imprisoned violent offenders reported that their victim had been age 12 or younger.

- An estimated 86% of child victimizers reported that a prior relationship existed with the victim (tables 12 and 13). About 14% of those serving time in State prisons for violent crimes against children had committed their crime against a stranger.

- More than 40% of offenders with child victims said the victim had been a relative or member of their immediate family. For 3 out of 4 of these offenders, and about a third of child victimizers overall, the victim was their own child or a stepchild.

Table 12. Characteristics of child victims in single victim incidents, 1991

Characteristic of child victims	Percent of child victims
Total	100.0%
Sex	
Male	24.7%
Female	75.3
Race	
White	71.6%
Black	24.5
Other	3.9
Ethnicity	
Hispanic	9.4%
Non-Hispanic	90.6
Age	
Less than age 12	52.9%
Age 12 to 17	47.1
Victim/offender relationship	
Stranger	14.1%
Known	85.9
Own child/stepchild	32.2
Sibling	1.0
Other relative	10.3
Girlfriend/ex-girlfriend	3.7
Acquaintance	36.6
By sight only	2.0
Total number of offenders with single victims	42,946

Offender race/ victim race	Percent of child victimizations
White/white	65.9%
Black/black	21.5
All other combinations	12.7

Table 13. Victim-offender relationship among prisoners serving time for violence against children, 1991

Single-victim incident	Number of State prison inmates	Percent of State prison inmates serving time for a violent crime, by relationship to their child victim				
		Stranger	Own child ^a	Other family	Acquaintance	Intimate ^b
Total	42,616	14.6%	32.1%	11.1%	38.4%	3.8%
Homicide	3,545	29.5%	23.3%	8.2%	37.4%	1.6%
Murder	2,906	29.1	23.3	9.3	38.3	0
Negligent manslaughter	639	31.5	23.3	2.8	33.7	8.7
Kidnaping	1,153	55.5%	7.1	7.5	16.8	13.1
Rape and sexual assault	32,923	9.9%	33.4%	12.5%	40.1%	4.1%
Forcible rape	7,099	11.9	36.2	8.9	36.9	6.0
Forcible sodomy	1,303	4.3	35.9	27.9	22.2	9.6
Statutory rape	878	0	27.9	0	72.1	0
Lewd acts with children	7,136	6.9	31.9	17.9	40.8	2.6
Other sexual assault	16,507	11.3	32.9	11.2	40.9	3.6
Robbery	811	55.3%	8.4%	6.5%	22.6%	7.3%
Assault	3,895	20.3%	39.1%	4.6%	35.9%	0
Aggravated assault	2,253	29.8	25.7	5.4	39.1	0
Child abuse	1,390	4.3	63.9	4.3	27.5	0
Simple assault	252	—	—	—	—	—
Other violent	288	—	—	—	—	—

—Too few sample cases for an accurate estimate.

^aIncludes stepchildren.

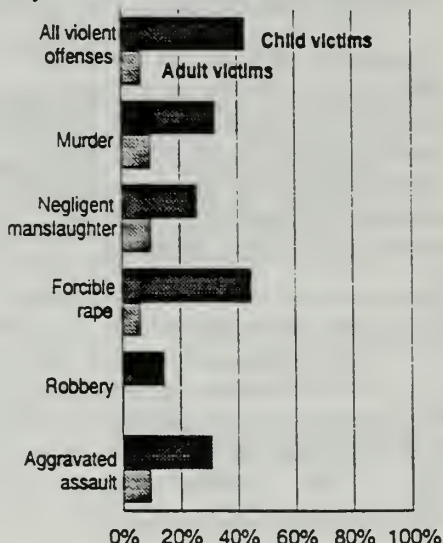
^bBoyfriend or girlfriend.

Violent State prisoners were about 6 times as likely to have been related to a child victim as to an adult victim

In 1991 among violent State inmates whose crime was against one victim—

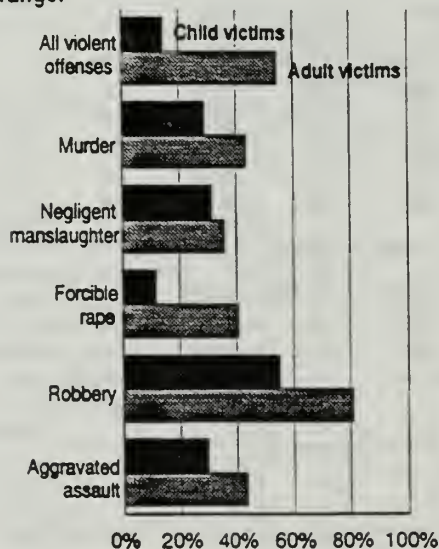
An estimated 43% of the child victims and 7% of the adult victims were a relative of the offender

Family member



An estimated 15% of the child victims and 55% of the adult victims were a stranger to the offender

Stranger



Figs. 8 & 9

Less than 10% of inmates serving time for the rape or sexual assault of a child reported that the victim had been a stranger to them

The victim-offender relationship is a major factor distinguishing adult victims of violence from child victims. Among offenders serving time for violence, adult victimizers are substantially less likely to have had a prior relationship with their victim than is true for those who committed their crimes against children.

- Among robbers and kidnapers who reported having victims younger than 18, more than half reported the victim to be a stranger (table 13). Crimes involving sexual assault and rape were the least likely crimes, as reported by the offenders, to involve strangers. About a third of child-murderers serving time in State prison reported that the victim had been their own child or another relative.

- A victim who had been an acquaintance of the inmate accounted for nearly 4 out of 10 child victims of violence. Crimes involving rape and sexual assault accounted for 81% of those serving time for crimes against acquaintances who were children. By type of victim-offender relationship, the offense distribution of child victimizers was —

	Stranger	Acquaintance	Own child	Other family
Total	100.0%	100.0%	100.0%	100.0%
Murder	13.6	6.8	5.0	5.7
Rape	13.5	16.0	18.8	13.3
Sexual assault	38.6	64.7	61.5	73.7
Robbery	7.2	1.1	0.5	1.1
Assault	12.8	8.5	11.1	3.9
All other	14.3	2.9	3.1	2.3

- Compared to violent offenders with adult victims, child victimizers in prison were 6 times as likely to have had a victim who was a relative — 43% versus 7% (figure 8). Conversely, adult victimizers were nearly 4 times more likely than child victimizers to have had a victim who was a stranger to them — 55% versus 15% (figure 9).

- The offense backgrounds of child victimizers varied with the victim-offender relationship. More than two-thirds of offenders who were strangers to their victims reported having a prior conviction record and nearly a third of those who committed violent crimes against children who were strangers said that they had a prior history of violence.

	Stranger	Family/intimate	Acquaintance
Total	100.0%	100.0%	100.0%
First-timer	32.7	47.4	37.5
Recidivist	67.3	52.6	62.5
No prior violence	35.7	35.9	36.0
Prior violence	31.8	16.8	26.8
Child victim*	6.0	3.1	5.5

*Prisoners reported prior convictions for lewd acts with children, child abuse, or statutory rape.



National Institute of Justice

Research in Brief

April 1994

The Emotional Effects of Testifying on Sexually Abused Children

by Debra Whitcomb, Gail S. Goodman, Desmond K. Runyan, and Shirley Hoak

Child sexual abuse presents complicated issues of physical, emotional, and psychological trauma for its victims. With the explosion in reported cases in the past decade, the criminal justice system is frequently involved as an institution through which victims can seek redress and through which society can publicly condemn the abuse of children. Being part of a court case is generally a stressful experience for adults. Picture a child in that situation—thrust into a process with

adult language, rules, and procedures and repeatedly questioned about the intimate details of an experience that is foreign to most children—one in which the child is expected to proclaim his or her victimization before an audience composed mostly of strangers.

In 1985, the Seventh National Conference on Child Abuse and Neglect opened with a point/counterpoint plenary session on the pros and cons of prosecuting child sexual

abuse cases. Among the various arguments that were raised in opposition to criminal prosecution was the belief that children are harmed by the experience.¹ Until very recently, this position has been primarily based on the observations of clinicians or other professionals who work with child victims in the courts (see Historical Overview on page 2).

Responding to a continuing widespread interest in improving the criminal justice

Issues and Findings

Discussed in this Brief: Whether testifying in judicial proceedings benefits or harms sexually abused children as examined by three studies in the mid- to late-1980's.

Key issues: The three studies of the effects of testifying on sexually abused children were:

- ♦ The North Carolina study. This study, with separate funding from the National Institute of Justice (NIJ) and the National Center on Child Abuse and Neglect (NCCAN), followed 100 child victims primarily of intrafamilial abuse who were involved in child protection hearings in a juvenile court setting.
- ♦ The Denver study. This NIJ-funded study focused exclusively on children who testified in criminal court and followed 218 children, most of whom were

sexually abused by perpetrators who were *not* living with them.

- ♦ The Child Victim as Witness Research and Development Program study. Funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), it explored how to successfully prosecute cases without further traumatizing child victims. Largely a replication of the North Carolina study, it, however, focused on a much larger sample of children who testified in criminal court in four jurisdictions nationwide.

Key findings: Based on these studies, it cannot be stated conclusively that testifying is either harmful or beneficial to sexually abused children. Testifying may impede the improvement process for some children (the Denver study), or it may enhance the recovery of others (the North Carolina study). One of the major reasons for the different results may have been the different contexts for

the children's testimony: criminal or child protection proceedings.

The studies did have the following similar findings:

- ♦ Before testifying, all children scored high on measures of stress and anxiety.
- ♦ Maternal support was associated with improvements in the children's mental health.
- ♦ Children who testified more than once tended not to improve as much as children who testified only once or not at all.
- ♦ Virtually all of the children improved with time, regardless of their experiences in the criminal justice system.

Target audience: Victim advocates, researchers, court administrators, judges, prosecutors, and State and local legislators.

Historical Overview of Trauma of Children Testifying

As early as 1969, Vincent DeFrancis, then Director of the Children's Division of the American Humane Society, wrote that child victims were exposed to additional trauma by the legal system, and especially by the repeated questioning that occurred during the preliminary investigation and through the time of trial.² Five years later, a survey of 38 Philadelphia judges revealed that 27 believed that testifying in sexual assault cases was traumatic for children.³ Psychiatrists have written that testifying is inherently stressful for children and possibly traumatic in itself.⁴ One psychiatrist stated that, "no matter how well the child has been prepared, testifying can cause distress."⁵

Law review articles published in 1969 and 1982 recommended numerous legal reforms on the premise that children are traumatized in court.⁶ In 1984, the Attorney General's Task Force on Family Violence also published recommended reforms predicated on the belief that child victims are "revictimized" by the criminal justice system.⁷ And, over the last decade, State legislatures have adopted a wide range of legal and procedural reforms meant to alleviate the stress that children experience while in the court system. Notably, however, all of this interest, attention, and legislative activity proceeded largely in the absence of empirical data indicating that children are, in fact, traumatized by their participation in the adjudication process.

system in ways that are beneficial to child victims, the National Institute of Justice (NIJ) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) awarded three grants to examine empirically the emotional effects of the court process on sexually abused children. Based on their resulting final reports, this Research in Brief compares and contrasts the studies' findings, highlights points of similarity, and attempts to draw

conclusions that are of particular benefit to judges, prosecutors, victim advocates, and others who work with children in the context of criminal prosecution.

The three studies

The North Carolina study

NIJ awarded a grant to extend an earlier study, supported by the National Center on Child Abuse and Neglect (NCCAN), of 100 children who were victims of intrafamilial abuse and who were involved primarily in child protection proceedings in a juvenile court setting.

The original study focused on children between the ages of 6 and 17 whose allegations of sexual abuse had been substantiated by child protection agencies in 11 rural and urban counties. Participating children's psychological well-being was assessed twice: upon referral to the study ($n=100$) and 5 months later ($n=76$). The primary instruments that were used included the Child Assessment Schedule (CAS), which is a structured psychiatric inventory based on the child's self-report, and the Child Behavior Checklist-Parent (CBCL-P), a parental report of the child's psychological functioning that is commonly used in child abuse research.

The results, published in 1988, showed that by the time of the second interview, 12 children had testified in child protection proceedings in the North Carolina juvenile courts. Criminal charges had been brought in more than 40 of the cases, but only 22 of the cases had been resolved. Assessments of the children's mental health revealed that:

- All of the children showed some improvement over their initial intake scores, which had indicated high levels of stress and anxiety.
- Children who testified in child protection proceedings were 20 times more likely to show a significant decrease in their anxiety scores than children who had not testified.
- Children who had criminal cases still pending were 12 times less likely than children whose cases were completed or children who were not involved in the

criminal court to have shown resolution of their earlier symptoms of depression.¹⁰

With the NIJ grant,¹¹ the children's mental health was reassessed 18 months after the initial interviews ($n=62$). At this time:

- All of the children demonstrated further improvement in their psychological functioning.
- Children whose cases were resolved, regardless of the outcome or their level of court involvement, generally showed more improvement than children whose cases were still pending.
- The dramatic differences that were observed at the 5-month followup—between children who had testified and those who had not, and between children whose cases were pending and those whose cases were resolved—had diminished substantially.
- The level of maternal support available to the child was positively related to the child's improved mental health.

The researchers concluded that testifying in child protection proceedings actually was beneficial to some children, but that delay in the adjudication process was harmful. The results of this study have often been cited to support efforts to reduce the time lost to continuances and delays in the adjudication of criminal cases.

Nonetheless, because all children improved over the course of the 18-month study, the researchers observed that any stress caused by their involvement with the legal system appeared to be mitigated by the passage of time, as well as other interventions and life experiences.

The Denver study

This study,¹² also sponsored by NIJ, focused on children whose allegations of sexual abuse had been accepted for criminal prosecution in three counties in the Denver, Colorado, area. The children in the Denver study differed from those in the North Carolina study in one important way: unlike the North Carolina study, which involved only child victims of intrafamilial sexual abuse, most (60 percent) of the Denver area cases involved perpetrators who were *not* living in the

same home with the child at the time of the alleged abuse. Consequently, most of the children were not involved in child protection proceedings. Even in cases where child protection proceedings were instituted, the children in the Denver area were rarely asked to testify. The Denver study focused exclusively on children who testified in criminal court.

Children from 4 to 17 years of age were referred to the study by prosecutors' offices in three counties. With the CBCL-P (see above) as the centerpiece of several psychological and observational instruments, the researchers evaluated the children's mental health at four points in the adjudication process: at the time of referral to the study, 3 months after testifying, 7 months after testifying, and after case disposition. (For some children, case disposition preceded one or both of the interim testing points, and so they were not evaluated four times.) A total of 218 children participated in the study, which covered the period September 1985 through December 1987. Using a "matched pair" design, children who testified at any proceeding—whether a competency hearing, preliminary examination, other pretrial hearing, or trial—were matched on several key demographic and case characteristics with children who had not testified. There were 46 matched pairs at the 3-month followup, 37 pairs at the 7-month followup, and 28 pairs at the final followup. Only 19 children testified at trial, but when other pretrial hearings were considered, a total of 60 children ultimately gave court testimony.

Followup assessments of the children's mental health revealed that:

- Three months after testifying, there was no significant difference in improvement over initial intake levels of stress and anxiety between children who testified and children who had not testified.
- Seven months after testifying, children who testified showed significantly *less* improvement than their counterparts who did not testify.
- At the final followup, after case disposition, there was again no significant difference between children who testified and

Evaluation Instruments of Children's Mental Health

The Child Assessment Schedule (CAS) and the Child Behavior Checklist-Parent (CBCL-P) were the primary instruments used to evaluate the mental health status of the sexually abused children in these studies.

The CAS, a semistructured psychiatric interview, consists of 189 questions with standardized probes, organized in content areas including: school, friends, activities, fears, worries, self-image, family, somatic complaints, mood, and conduct disorder. It is possible to generate a total psychopathology score, as well as scores for the various content areas, and scores

for symptom scales such as depression and anxiety. The original instrument was supplemented with brief content areas on memories of abuse and future orientation.

The CBCL measures children's psychological adjustment in terms of social competency and disruptive behavior; it was used in the format designed to be answered by parents, guardians, or other caregivers. This instrument seeks responses in such areas as internalizing behavior problems (e.g., depression, somatic complaints) and externalizing behavior problems (e.g., delinquency, aggressiveness).

Exhibit 1. Essential Components of Three Studies of Child Sexual Abuse Cases in the 1980's

	State of North Carolina	Denver, Colorado	Child Victim as Witness Research and Development Program
Number of Children Examined	62-100*	218	256
Ages	6-17	4-17	4-17
Characteristics of Cases	Victims of intrafamilial abuse	Victims primarily (60%) of extrafamilial abuse	Victims primarily (57%) of intrafamilial abuse
Nature of Proceedings	Child protection hearings in juvenile court	Criminal court prosecutions	Criminal court prosecutions
Number of Mental Health Assessments	<ul style="list-style-type: none"> ● After case substantiated by child protection agency ● 5 months later ● 18 months later 	<ul style="list-style-type: none"> ● After case accepted for prosecution ● 3 months after testifying ● 7 months after testifying ● After case disposition 	<ul style="list-style-type: none"> ● After case referred for prosecution ● 7 to 9 months later

*100 completed the first interview; 76 completed the second; 62 completed the third.

children who did not testify, although some of the testifiers still exhibited some adverse effects in the form of increased behavioral disturbances.

- Maternal support, measured at the time children initially disclosed the abuse, was positively related to improvements in the children's well-being.

The researchers concluded that testifying in criminal court has adverse effects on some children but, for most children, these effects appear to diminish with time. Children who testified more than once did not improve as much, as measured by their scores on the CBCL-P, as their counterparts who testified only once or not at all. Unlike the North Carolina study, the Denver study found no adverse effects associated with delay in the adjudication process.

The OJJDP study

The Child Victim as Witness Research and Development Program was funded by OJJDP to explore this question: how can child sexual abuse cases be prosecuted effectively without imposing additional

trauma on the victims? This study,¹⁴ which was carried out on cases reported from June 1988 through October 1989 in four large jurisdictions, was essentially a replication of the North Carolina study, but with a much larger sample and a focus on children who testified in criminal court.

Child sexual abuse cases were identified by prosecutors' offices in Erie County (Buffalo), New York; Polk County (Des Moines), Iowa; Ramsey County (St. Paul), Minnesota; and San Diego County, California. Children were interviewed using the Child Assessment Schedule (CAS) and the CBCL-P, among other instruments, shortly after their cases were referred for prosecution and again between 7 and 9 months later. A total of 256 children completed both interviews.

Analysis of child interview data indicated that:

- Sexually abused children were highly distressed at the time of the initial interview, regardless of whether the perpetrators were intrafamilial or extrafamilial.
- At the followup interview, a majority of the children demonstrated improvement over their initial test scores.
- Testifying did not, in itself, have a significant effect on children's mental health. However, a significant adverse effect was found among children who testified more than once or who experienced lengthy or harsh cross examination.
- According to parental reports, testifying was far less stressful for younger children (less than 8 years old) than it was for older children.
- Maternal support strongly predicted the child's mental health status at the followup interview.

This study did not examine the effects of delays or continuances on the children's psychological well-being. Because there was no long-term followup interview, the study also did not examine whether any observed effects of testifying might change over time.

Summary of the studies' findings

To summarize, the three studies appear to agree that:

- At initial testing, prior to their involvement in the court process, children score high on measures of stress and anxiety.
- Most children tend to improve with time, regardless of their experience in court.
- Maternal support is associated with improvements in these children's mental health.

Despite these similarities in the studies' findings, there are also some important differences with respect to two critical questions:

What is the impact of delay in case resolution on children's mental health? The North Carolina study suggests that it impedes the children's improvement. The Denver study found no adverse effect associated with delay. The OJJDP study did not examine this question.

What is the impact of testifying on children's mental health? The North Carolina study found significant improvements among children who testified in child protection proceedings, compared to children who did not testify or whose cases were pending in criminal court. The Denver study found that, at the 7-month followup, children who testified had improved significantly *less* than their counterparts who did not testify. The OJJDP study found adverse effects only among children who testified more than once or who underwent severe cross examination.

In essence, the North Carolina study suggests that testifying in child protection proceedings may be beneficial for children, whereas the other studies indicate that testifying in criminal court may have adverse effects for some children. What accounts for these differences?

Differences in findings

With support from NIJ, the principal investigators of the Denver and North Carolina studies reanalyzed their data to explore

An Additional Look at Whether the Legal System Helps Child Victims

In a study, reported in 1987, 48 questionnaires were filled out and returned by children (or adults on their behalf) whose allegations of sexual abuse had been adjudicated by the Iowa criminal courts. Children and youths (aged 4 to 22, with an average age of 13) were asked about the investigation process, whether the case had gone to court, and whether they had testified. They were also asked whether they found the system to be helpful or harmful. Overall, a greater percentage of the victims rated the legal system helpful (62 percent) than harmful (21 percent). Additional analysis revealed that children who testified and children who experienced multiple interviews rated the process less helpful than children who did not testify or who experienced fewer interviews.

whether the different findings could be explained by any of three factors:

- The statistical techniques that were employed.
 - Measurement of the children's psychological status based on the children's self-reports versus the nonoffending parents' assessments.
 - The intrafamilial nature of all the North Carolina cases versus the predominantly extrafamilial abuse in the Denver cases.
- None of these factors accounted for the differences observed in the research findings.

Perhaps the most compelling difference among the three studies is one that could not be examined by reanalyzing the available data. This difference is the *context of the children's testimony*. The children in North Carolina testified in child protection proceedings in a juvenile court setting, whereas the children in Denver and in the OJJDP study testified in criminal court. Arguably, the experience of testifying in child protection proceedings may be qualitatively different than the experience of testifying in criminal court for several reasons.

The two courts have very different mandates. The purpose of child protection proceedings is to determine whether abuse occurred, whether the child remains at risk, and whether protective actions are necessary. These proceedings are child-centered, with a goal of resolving the case in a way that serves the best interests of the child. In contrast, the purpose of criminal court proceedings is to obtain a verdict on an adult defendant's guilt or innocence. Although the child is the alleged victim, and therefore a principal witness, the criminal court is offender-oriented. Unlike child protection proceedings, in which the most severe outcome involves removing the child from the home, in criminal cases the defendant's liberty is at stake. To guard against the possibility of mistakenly imprisoning an innocent person, the U.S. Constitution offers numerous protections for the rights of criminal defendants. There are no constitutional protections for witnesses.

Child protection proceedings are civil cases. The burden of proof in a civil case is less stringent (typically, proof by "a preponderance of the evidence") than in a criminal case, which must be proven "beyond a reasonable doubt." Accordingly, the rules of evidence and procedure are more relaxed in child protection proceedings: the courtroom is closed to the public; hearsay restrictions are less prohibitive; in most jurisdictions, children may not be required to testify at all (although children in North Carolina routinely testified at the time of that study); and when they do testify, it often takes place in the judge's chambers.

The adjudication of criminal cases is an adversarial process. Of the differences in the court environments, this is perhaps the most important distinction since witnesses in criminal cases are expected to face defendants in court and to submit to cross examination. By contrast, the child protection proceeding is meant to encourage development of a case plan that is agreeable to all parties, with the ultimate goal of ensuring a safe environment for the child. Hearings are usually less confrontational, and children are rarely subject to cross examination.

These differences between criminal proceedings and child protection proceedings may help to explain why the children in the North Carolina study appeared to benefit from testifying while their counterparts in the other studies did not. None of these studies directly examined whether the court setting had any effect on the children's mental health outcomes.

A next step might be to focus on children who testify in both settings and to assess the children's capacity to distinguish and appreciate the factors that differentiate between them. Are children, in fact, more comfortable in a child protection hearing? Are they aware that they are the focus of the proceedings and that the goal is to protect them and improve their lives? Or, are the good intentions of the child protection process substantially obscured by the implicit authority of adults in *any* context? Such a study would be difficult to con-

struct because so few children actually testify in both proceedings; laboratory analogues might be revealing but, by necessity, would lack the emotional intensity of a real-life situation.

Regardless of the differences between the courts, and among the findings of the three studies described above, when taken together, the available research suggests that *testifying, in itself, may not be traumatic for most children*. Adverse effects appear to be associated with particularly negative experiences (such as repeated testimony or harsh cross examination), and further, to dissipate with time.

Implications for policy and practice

Based on the results of these studies, it cannot be stated conclusively that testifying is either harmful or beneficial to sexually abused children. One consistent and encouraging finding should be highlighted. Virtually all of the children improved emotionally, regardless of their experiences in court. At worst, testifying may impede the improvement process for some children (as the Denver study found); at best, it may enhance their recovery (as the North Carolina study found).

Only a small number of children appeared to suffer long-term trauma from the experience of testifying. It is possible that some of the more severely traumatized children elected not to participate in the research or were denied the opportunity to testify because they were not found competent. These studies could not assess whether such children differed in their reactions to the experience of testifying from other children who were *less* severely affected by their abuse. In counterpoint, it should be noted that some of the children in the Denver study regretted that they had *not* testified. These were children who felt some responsibility for their abuse, who had been abused before, or whose cases ended in a not-guilty verdict.

Long-term followup research, including direct interviews with the children, is the next step toward determining whether

testifying has any lasting effect. In the meantime, the available research suggests that many children can weather the experience reasonably well. Some intriguing research results are worth pursuing.

Innovations in courtroom procedures.

There are indications from the Denver study that the relaxed rules of evidence and procedure that are typical of the juvenile court may be beneficial for children in criminal court. Specifically, children in the Denver study appeared to benefit when the courtroom was closed to spectators and when a parent, other loved one, or victim advocate was present during their testimony. (Other innovative techniques, such as testifying via videotape or closed-circuit television, were used too infrequently to analyze.)

In reality, of course, the U.S. Supreme Court has ruled that certain innovations—closing the courtroom¹⁵ and alternatives to confrontation¹⁶—can be available only to children who will suffer serious emotional trauma if made to testify in a traditional environment. The Denver study provides some evidence that certain children deserve special attention and, perhaps, consideration of appropriate interventions to help them testify. These are children who were more severely abused, lacked family support, were interviewed repeatedly during the investigation process, or expressed fear of the defendant in court.

Focus on mothers of victims. Since maternal support was consistently found to be an important factor contributing to children's psychological well-being, it follows that if personnel in the justice system *direct greater attention to the mothers' needs*, the mothers, in turn, will be better able to support their children. A study supported by the National Center on Child Abuse and Neglect found that assistance from professionals (including law enforcement officers, prosecutors, medical personnel, therapists, counselors, case-workers, victim advocates, and clergy) was related to the mothers' ability to provide emotional sustenance for their sexually abused children.¹⁷

Limit the number of hearings. In all the studies, children who testified more than once tended not to improve as much as children who testified only once or not at all. To the extent possible, prosecutors should seek to *waive unnecessary court appearances* by, for example, initiating cases via the grand jury, rather than a preliminary hearing, or by holding competency hearings immediately preceding a child's testimony, rather than as a separate appearance. (In many States, of course, children are presumed competent,

and the hearing should be completely unnecessary.)

Other innovations, identified in the OJJDP study, are shown in exhibit 2.

In sum, although research to date has not revealed substantial long-term negative effects of testifying on most child victims, it has shown that some children need assistance in undergoing the criminal justice process to avoid suffering further harm.

Exhibit 2. Sample Interventions From Sites Participating in the Child Victim as Witness Research and Development Program

Polk County (Des Moines)

Included extrafamilial cases in team case review.

Instituted a special screening attorney for child abuse cases.

Tightened eligibility requirements for the Intra-Familial Sexual Abuse Program, a pretrial diversion alternative for certain first-time offenders.

Erie County (Buffalo)

Initiated cases via the grand jury rather than preliminary hearing.

Developed a master protocol to guide case referrals across agencies.

Elevated the Child Abuse Unit to Trial Bureau status in the District Attorney's office.

Established a child abuse diagnostic clinic within Erie County Medical Center.

Established a Coordinating Council on Family Violence under the auspices of the Sheriff's Department.

Ramsey County (St. Paul)

Expanded the prosecution unit to include all cases involving children as victims or perpetrators.

Enlarged the proactive role of the victim/witness assistance unit.

Enacted legislation imposing harsher penalties for most sex offenses and expanding victim rights.

San Diego County

Expanded the Children in Court education program.

Enacted a "resident child molester" law to enable prosecution of ongoing abuse when dates cannot be specified.

Enacted a new Department of Social Services regulation permitting temporary placement of children with relatives.

Documented case management protocols.

DA coordinates resources for abused children

By Patricia Nealon
GLOBE STAFF

Until fairly recently, abused children in Suffolk County often had to tell their story of pain and perversion as many as a half-dozen times, to a parade of social workers, investigators, therapists and prosecutors in strange offices scattered across the city.

That changed with the arrival of District Attorney Ralph G. Martin 2d in the fall of 1992. Soon after, a special room with audio and video equipment was installed so children could be interviewed at the same time by everyone involved in the case.

A videotape could be made and played for grand jurors, saving the child a trip to the sixth floor of the county courthouse, a room lined with high-backed vinyl chairs filled with more strangers.

Now Martin, who inherited a backlog of 500 child abuse cases and an office with a reputation for backwardness when it came to prosecuting them, is spearheading a move to start a Children's Advocacy Center for Suffolk County. Modeled after centers in 43 states, it would pull together prosecutors, social workers, doctors, mental health professionals and hospitals in a coordinated approach to treating and tracking abused children.

"If you get a number of people under the same roof, with sort of a triage approach to treating child abuse victims you have more people looking at a family early on," Martin said. "And then there's an ability to track that family in a way that doesn't exist now." Martin and others involved in the project

The way the system has been to date, being so compartmentalized, it's a real disincientive.

JANET E. FINE
Suffolk district attorney's office.

are loath to link it to the abuse a week ago of a 4-year-old Mission Hill boy, allegedly at the hands of his drug-addicted mother.

When asked about the case, Elizabeth Kealey, deputy chief trial counsel in Martin's office, suggests only that a children's center might have made a difference. "Had there been a more comprehensive assessment done years ago... There may have been other people still involved with that family for a variety of reasons," Kealey said.

As it was, the state Department of Social Services, which had previously removed the children from the home following allegations of sexual abuse, had returned them and relinquished supervision to a private agency.

Dr. Eli Newberger, medical director of the child protection program at Children's Hospital and an organizer of the advocacy center project, applauds Martin for taking the lead.

"It was only when Ralph Martin became the district attorney in Suffolk County that we saw a serious concern and dedication of resources to abused children in that office,"

Newberger said. "It was simply not the case before."

And research at his own hospital shows that when professionals from varying disciplines work together as a team, children benefit, Newberger said.

"Inter-disciplinary work always provides a broad set of perspectives and a large number of intelligent heads asking the appropriate questions," Newberger said. "And it nearly always leads to better decision-making and better protection of children."

Martin believes that a Children's Advocacy Center could have provided focus and expertise as police tracked the would-be child abductor in Boston this past week. "Clinical psychologists and behavioral experts would have already been working with each other, already conversational with each other," Martin said.

Since the first Children's Advocacy Center opened in Huntsville, Ala., in 1985, the number of centers proposed or operational has grown to 171 nationwide. There are none in Massachusetts, although centers have been proposed for Hyannis and Pittsfield and by the Middlesex District Attorney's office in Cambridge.

Later this year, the National Network of Children's Advocacy Centers based in Huntsville will allocate \$500,000 in federal funds to local advocacy centers.

Last month, with money from groups involved in organizing the Boston center — the district attorney's office, the state department of social services and mental health, Children's Hospital and the city's Health and Hospitals department — a fund-raiser was

hired to seek the \$500,000 it is estimated to cost to run the Boston center each year.

Boston City Hospital has offered to house the center in renovated space in the former maternity wing of the hospital.

"These agencies have never communicated before," said Janet E. Fine, head of the victim/witness program in the Suffolk district attorney's office. "They've always operated independently. Kids have fallen through the cracks... The way the system has been to date, being so fragmented and compartmentalized, it's a real disincientive. If they're told they have to go to DSS and five more places and get their kids there, they just say, 'forget it.'"

Although the 500-case backlog has been cleared, nearly 700 child abuse cases are referred to the Suffolk district attorney's office each year for investigation. By law, DSS must refer all allegations of child sexual abuse and serious physical abuse to local district attorney's offices.

Between 15 and 25 percent of cases result in criminal charges, according to the district attorney's office. And about 50 percent of those cases involve sexual rather than physical abuse.

Martin hopes that having one place where abused children could be interviewed, evaluated, plugged into treatment and tracked will produce better results — and fewer adult criminals. "As they get older, they are more likely to become abusers of one sort or another," Martin said of child abuse victims. "We're interested in making sure victims receive the kind of services needed so they're less likely to become an offender down the road."



N R C C S A NEWS

Information for
all professionals
working with
sexually abused
children and
their families.

National Resource Center On Child Sexual Abuse
of the National Center on Child Abuse and Neglect

Evaluating Multidisciplinary Responses to Child Sexual Abuse

by Paul D. Steele, Ph.D.

Director, Youth Resource and Analysis Center
University of New Mexico

In recent years, increasing numbers of policymakers, professionals and advocates have come to believe that a coordinated, multidisciplinary response is the best way to respond to cases of child sexual abuse. While common sense supports this belief, few multidisciplinary programs (MDPs), such as multidisciplinary teams, community task forces or Children's Advocacy Centers, have been systematically assessed. MDPs need to be evaluated for several reasons:

1. At this point, we do not know if MDPs are an improvement over single agency, uncoordinated services. Even if we assume that MDPs are better, we do not know specifically how they enhance case handling and outcomes. Without this knowledge, it is difficult to improve their performance.

2. The multidisciplinary approach has not been automatically accepted by all policymakers and professionals. Many are skeptical, fearing that it would hinder their ability to do their own job, that others do not understand the "right way to deal with these cases,"

or that it would diminish their power and authority. Some are unwilling to participate in MDPs without strong and independent support for this approach, and even those who agree to participate in an MDP need to have their decision supported. The long-term success of MDPs depends on documenting for people that this is an effective response to child sexual abuse. Careful program evaluation can provide systematic independent support for MDPs.

3. Child sexual abuse is an emotionally charged social issue. Professionals are under great community pressure to "do something" to solve it. Professionals are tempted to rush their response without careful program planning. The consequences can be tragic, including unnecessary professional burnout, family disappointment and traumatized child victims. Program assessment, monitoring and evaluation can increase the likelihood of a successful community response to this social issue.

Policymakers, program administrators, service providers, advocates and clients of MDPs need to know: "What is this program doing?" "How well is this

program succeeding?" and "How much difference does the program make in our community?" In evaluation

language, this means that program evaluations need to assess the process, the effectiveness and the impact of MDPs. Fortunately, we can consider MDPs as a social group organized to coordinate human services, and there are a variety of well-developed techniques to evaluate human service delivery.

If you are interested in having your program evaluated, or want to conduct a successful evaluation, here are three issues that should be considered:

First, evaluators are not supposed to be perceived as adversarial auditors or *The Grinch Who Stole Christmas*. While they must be independent to give credibility to their findings, evaluators can have a powerful positive impact on the growth and success of MDPs. They do this by providing information to the program members so that they can refine and improve the MDP and by documenting its success for administrators and policymakers to whom the program is accountable.

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**Evaluation of
Community Prevention
Programs - See p. 7**

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Evaluating Multidisciplinary Responses

Continued from page 1

Good evaluation takes into account the needs of all groups and individuals likely to be affected by the evaluation process, including:

- *Administrators of governmental or private organizations that might be funding the operation of the MDP.* These people will expect program members to be financially accountable, able to document the MDP effectiveness and community impact, and make a strong case for continued financial support.

- *Administrators of agencies represented in the program.* They are likely to be interested in program cost, improvements in case handling and outcome and community impact. Since the MDP is likely to affect procedures and resource allocation in these agencies, administrators are particularly interested in how the program will enhance their agency's ability to meet their own responsibilities in child sexual abuse cases.

Leaders' Concerns

- *Leaders and members of the MDP.* Surprisingly, leaders and members often lack specific information concerning the actual implementation by and effect of group decisions on participating agencies. Program monitoring and feedback can be continually provided by evaluators to the group on these issues, as well as information concerning internal group cohesiveness, stability and decision making processes.

- *Program clients.* As the recipients of services affected by the MDP, clients (usually child victims and their caregivers, but sometimes including others) should receive effective assistance, and be satisfied with it. MDPs should improve access to and utilization of professional services by all potential program clients. Evaluation research should be designed to measure the effect of MDP activities on client outcomes, client satisfaction, case reporting, case retention and service utilization.

In general, evaluation research studies should be customized to particular MDPs and their participants, to determine the program's amount and type of

activities, its effectiveness in organizing high quality services, its responsiveness to the personal concerns and needs of clients and service professionals, its effect on the problem within its area of service, and its impact on limited financial and human resources. Reports of program performance can be made to all groups, in formal written reports and more informal group feedback sessions. It is important to point out that evaluators can conduct these studies while respecting the confidentiality of clients and service providers and in a manner that does not disrupt the operation of the multidisciplinary group.

Access Needed

Second, the success of the evaluation study depends on access to complete and accurate information. While evaluation research can and often does involve the collection of information directly from professionals and family members, this sort of research can be both intrusive and very expensive, so access to documents of the MDP is critical.

Also, MDP evaluation will include understanding its effect on each of the participating agencies, so access to documents describing the activities and outcomes of, for example, participating police, human service and district attorney's offices, is necessary. Often, this information is protected through agency policies and/or statute, so access for evaluators must be planned well in advance.

Further, MDP evaluation can involve tracking cases across agencies, to determine the level of service coordination and the network's collective impact on case outcomes. Tracking cases across agencies is vastly improved in service areas that have implemented some form of Uniform Case Numbering, since cases in various agencies are traditionally filed in an inconsistent manner (by name of child victim, name of the abuser, name of the nonoffending parent).

Finally, evaluation of the lasting effects of professional intervention and long term adjustment of the child and other family members is often depen-

dent on the participating agency's ability to track and document case outcomes over time, and the evaluator's access to that information.

Special Planning

Third, the MDP evaluation requires some special research planning and design. Assessing the process, effectiveness and impact of these programs means focusing on the communication networks that exist among participating agencies as well as the interaction between the members of the group.

A proven approach to understanding group process, which is currently being used in the evaluation of several multidisciplinary social service delivery systems, is called Social Network Analysis. This approach allows us an understanding of the effect of a multidisciplinary group's decisions on services provided in each of the participating agencies, the intensity and pattern of communication and decision making within the group, the balance achieved in decision making, the influence of preexisting relations between agencies and members of the multidisciplinary group on decision making, and the emergence of group leadership styles.

In a nutshell, this approach allows us to understand where groups "came from," how decisions get made (or don't get made), and how the multidisciplinary group improves both the operation of participating service agencies and case outcomes.

Good evaluation should help in refining effective multidisciplinary responses. It can provide feedback to MDP members to help them improve their collective activities, and make an unbiased case to administrators and policymakers to whom the program is accountable. When MDPs can be shown to have a truly positive effect, then they are more likely to be supported, to gain security and stability, and to help the community respond effectively to child sexual abuse.

Dr. Paul Steele is director of the Youth Resource and Analysis Center, located within the Institute for Social Research at the University of New Mexico. He has been involved in a number of evaluation programs, including evaluation of the process and outcome of services in cases of child sexual abuse.

From the Information Service

Multidisciplinary Teams Improve Services, Maximize Use of Limited Resources

by Kathryn Sisterman Keeney, M.S.W.

Senior Information Specialist
and Karen Kimbrell Hall, J.D.

Senior Attorney, Sex Crimes and Child Abuse Unit
District Attorney's Office
Madison County, Alabama

ED'S NOTE: The development and widespread use of multidisciplinary teams has been one of the leading factors in the improvement of services to sexually abused children and their families. The NRCCSA Information Service is often asked for additional information about the multidisciplinary team approach. This column is an introduction to the subject and is taken from a best practices/technical brief being published by NRCCSA, that discusses the make-up, organization and possible problems and solutions in the development of a multidisciplinary team. To reserve your copy of the Multidisciplinary Team brief, send \$3 to NRCCSA, 107 Lincoln Street, Huntsville, AL 35801.

Q: What is a Multidisciplinary Team?

A: In 1978, the National Center on Child Abuse and Neglect defined a multidisciplinary team as a group of service providers, both professional and paraprofessional, from a variety of disciplines, working together in the provision of diagnostic, treatment, prevention, and consultation services. As the field has grown, this definition has expanded to encompass the entire intervention process from the initial interview through post-adjudication and treatment decisions. A multidisciplinary team provides a method of coordinating all the agencies that respond to child sexual abuse into a cohesive, well-defined, cooperative process that not only results in more successful investigation and prosecution, but also, and more importantly, provides a better and less traumatic response to the child victim of sexual abuse and the child's family.

The primary goals of a multidisciplinary team include elimination of duplicative efforts by professionals; protection of the child and the child's family from further abuse and trauma; rapid, successful investigation and prosecu-

tion of alleged offenders of child sexual abuse; and assurance of specialized therapeutic care to meet the needs of the child and family. All of these goals can be achieved through the coordination of community agencies and professionals involved in the intervention system.

Traditionally, each agency or professional has had a different role in the investigation and intervention process when a child is sexually abused. Their efforts to fulfill these roles and achieve agency goals may, however, result in further harm to the child they are trying to help.

For example, overinterviewing a child victim can lead to increased stress, traumatization and the possibility of recantation. By working as a team, the need for multiple interviews can be dramatically reduced and delays in providing adequate legal, medical and mental health services to the child victim and the child's family can be diminished.

A multidisciplinary team must be a group that is actively involved in reviewing specific cases *together*. The team should begin to monitor a case as soon as possible after the initial interview of the victim and continue until the case is retired. Consistent, active monitoring of cases ensures that children's needs are met sensitively and effectively; it can also determine the route a case takes.

Multidisciplinary teams minimize the trauma children can suffer during the investigation and intervention process, promote better understanding of and respect for other team member's roles and expertise, and facilitate more informed case management decisions. According to a 1982 study by Anne Cohn, the use of a multidisciplinary team improved the quality of services and increased the likelihood of children and families receiving timely services. As the members of a team build working relationships, communication between agencies becomes easier

and the coordination of services begins to fall into place.

It is important to realize that multidisciplinary teams are not meant to replace any existing profession, agency or individual. They are intended to strengthen and build interagency and professional relationships. Each community has its own service network with individual strong points and weaknesses. Each multidisciplinary team should be tailored to incorporate the strengths and unique characteristics of its own community network.

Multidisciplinary teams can weave the service delivery system together in such a way that effective case management will occur, in conjunction with the most

Continued on page 8

Benefits of Using Multidisciplinary Teams

- The trauma experienced by abused children is reduced.
- Children receive prompt and ongoing treatment that is tailored to their specific needs and family situations.
- More non-offending parents are empowered to protect their children.
- More offenders are held accountable.
- Professionals gain a better understanding of and respect for each other's roles and expertise.
- More effective decisions are made by sharing professional knowledge and expertise.
- The decision to prosecute is based on input from the child and family as well as other professionals acting on their behalf.
- Allegations of abuse are more completely investigated, producing more usable information.
- Cases are more quickly disposed of and are less likely to "fall through the cracks" in the system.
- Communities are better able to identify gaps in the system and empowered to develop more resources for children and families.

From Best Practices: A Guidebook to Establishing a Children's Advocacy Center Program, published by the National Network of Children's Advocacy Centers.

Multidisciplinary

Continued from page 5

effective use of effort and time by the professionals and families involved. Multidisciplinary teams provide a means to better use existing resources while improving service to child victims of sexual abuse.

Although starting a multidisciplinary team approach is not an easy task, the team can provide a basic foundation upon which the entire intervention process exists. Despite challenges that may be encountered, formation of a multidisciplinary team is a realistic and achievable goal. If we as a society are ever going to convey the clear message that the sexual abuse of children is not acceptable behavior, we must redesign the systems responsible for helping and protecting child victims so that children benefit and offenders are held accountable.

Resources:

A community approach to child sexual abuse: The role of the office of the district attorney by Robert Cramer (Response 9(4), 10-13, 1986)

Multidisciplinary teams: Advances in investigatory and case management practices in cases of criminal child abuse and neglect and sexual assault from the Governor's Task Force on Child Abuse

and Neglect (Trenton, NJ, 1991) (For a copy of this report, contact Donna Pincavage at 609-292-0888.)

Best Practices: A Guidebook to Establishing a Children's Advocacy Center Program by the National Network of Children's Advocacy Centers Advisory Board. (National Children's Advocacy Center, Huntsville, AL, 1990)

Child Sexual Assault: Confronting the Crisis, Volume 1 by Linda Romano (National Sheriff's Association, Alexandria, VA)

Child maltreatment coordinating committees for effective service delivery by Laura Skatf (Child Welfare, LXVII(3), 217-230, 1988)

The multidisciplinary team approach to investigating out-of-home child sexual abuse cases by Barbara Smith (Response 12(3), 10-1, 1989)

Child sexual abuse: A multidisciplinary approach to case management by William Wagoner. (Journal of Counseling and Development, 65(8), 435-439, 1987)

Organization and Administration of Programs to Treat Child Abuse and Neglect by Ann H. Cohn (Child Abuse, edited by E.H. Newberger, Little, Brown, 1982, 89-103)

The Information Service of the National Resource Center on Child Sexual Abuse is available to answer questions and provide information to any professional working with sexually abused children and their families. The Information Service line is staffed from 8:30 a.m. until 5 p.m., Central Time, Monday through Friday. Call 1-800-KIDS-006 (1-800-543-7006).

NRCCSA News will regularly publish articles from the Information Service on their most frequently asked questions.

Advisory Board

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Jan Hindman, M.S., M.Ed., is clinical director of Alexandria Associates, Ontario, Oregon.

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Kenneth V. Lanning, M.S., is a supervisory special agent of the Behavioral Science Unit, NCAVC, F.B.I. Academy, Quantico, Virginia.

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The Honorable Charles B. Schudson is a judge of the Wisconsin Court of Appeals.

Daniel A. Sexton is director of The Daniel Sexton Center in Glendale, California, a program for adult survivors of sexual abuse.

Joyce Thomas, R.N., M.P.H., is president of the Center for Child Protection and Family Support and the People of Color Leadership Institute.

Patricia Toth, Esquire, is director of the National Center for Prosecution of Child Abuse.



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Sexual Abuse of Children

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Incidence and Characteristics of Abuse

Sexual abuse involves any sexual activity with a child where consent is not or cannot be given (Finkelhor, 1979). This includes sexual contact that is accomplished by force or threat of force, regardless of the age of the participants, and all sexual contact between an adult and a child, regardless of whether there is deception or the child understands the sexual nature of the activity. Sexual contact between a teenager and a younger child also can be abusive if there is a significant disparity in age, development, or size rendering the younger child incapable of giving informed consent (Ryan, 1991). The sexual activity may include sexual penetration, sexual touching, or noncontact sexual acts such as exposure or voyeurism.

All states have laws prohibiting child molestation (Meyers, 1992). Each state individually defines child abuse, and thus criminal statutes vary from state to state. Child abuse statutes define sexually abusive behavior usually quite broadly but sometimes extend jurisdiction only to acts committed by caretakers. States identify an age that an individual can consent to sexual contact with an adult, usually between 14 and 18 years. Sexual contact between an adult and a minor under the age of consent is illegal. In addition, incest is generally illegal regardless of age or consent. Criminal statutes also can apply to teenagers and sometimes children, but for prosecution to proceed, it must be established that the offending child was capable of forming the intent to commit a crime.

Rates of Sexual Abuse

The exact incidence and prevalence of sexual abuse in the general population are not known precisely. It is difficult to establish incidence rates because most sexual abuse is not reported at the time it occurs (e.g., Finkelhor, Hotaling, Lewis, & Smith, 1990). In addition, it is impossible to know exactly how many cases of sexual abuse are reported on an annual basis nationwide. Because there is no national reporting system for crimes against children, official crime and child abuse statistics tend to be unreliable. Child abuse figures vary by state definitions and sometimes do not include sexual abuse committed by nonfamily members. Currently, the best mechanism for determining the scope of child sexual abuse is through retrospective surveys of adult nonclinical populations. Such surveys show considerable variability that can be best explained by differences in research methodology. The population surveyed, survey method, type and number of screening questions, and definitions of sexual abuse all influence the reported figures of abuse (Finkelhor, 1994).

Russell (1984) and Wyatt (1985) surveyed probability samples of adult women in two U.S. cities on the West Coast. Both studies had numerous screening questions, used broad definitions, and conducted in-person interviews. These studies found, respectively, 38% and 45% victimization by age 18 and, when non-contact offenses were included, 54% and 62% victimization rates. A telephone survey of a national probability sample of adults revealed 27% of women and 16% of men reported a contact sexual offense by age 18 (Finkelhor et al., 1990). Similarly, in a mail-out questionnaire to a national, stratified random sample, 32% of females and 13% of males reported a history of contact sexual abuse (Elliott & Briere, 1995).

Although reporting of sexual abuse has increased significantly in recent years, results of nonclinical studies do not support a conclusion that the rate of sexual abuse has changed dramatically (Feldman et al., 1991). Recent research on the impact of trauma on memory suggests that estimates of abuse rates based on self-report actually may underestimate its prevalence. For example, in a follow-up study of sexually abused girls who had been examined at a county hospital for sexual assault, more than one third did not recall that abusive experience an average of 17 years later (Williams, 1994). The women were not informed of the purpose of the study at follow-up but were asked questions about a sexual abuse history. Analysis of the responses of women who did not report the index case of abuse strongly suggests that they did not recall what had happened; they were not simply reluctant to report it, given that more than half of these subjects reported other abusive experiences in childhood. Williams's data suggest that at any given time, a significant number of individuals who had been sexually abused as children might respond negatively to questions inquiring into such a history because they did not recall the abuse.

Characteristics of Sexual Abuse Experiences

The reported characteristics of sexual abuse vary depending on the data source. For example, child abuse reporting systems and clinical programs tend to over-represent intrafamilial cases. Based on general population surveys (e.g., Finkelhor et al., 1990; Saunders, Kilpatrick, Resnick, Hanson, & Lipovsky, 1992), abuse by parent figures (parents and stepparents) constitutes between 6% and 16% of all cases, and abuse by any relative comprises approximately one fourth of cases. In these nonclinical samples, teenagers represent up to 40% of offenders, and strangers account for a relatively small proportion (5%-15%), with the remainder of cases involving individuals known to the child or family. In clinical samples, however, parent figures comprise about one third of the offenders and all relatives about one half (e.g., Elliott & Briere, 1994; Gomes-Schwartz, Horowitz, & Cardarelli, 1990). In both clinical and non-clinical samples, the vast majority of

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offenders are male, although boys are more likely than girls to be abused by women (20% vs. 5%) (Finkelhor & Russell, 1984), and 40% of the reported cases of day care sexual abuse involve female offenders (Finkelhor, Williams, & Burns, 1988).

Multiple abuse episodes of sexual abuse are very common, occurring in more than half of the cases in nonclinical samples and in 75% of clinical samples of children (Conte & Schuerman, 1987; Elliott & Briere, 1994). Completed or attempted oral, anal, or vaginal penetration occurs in between 20% and 49% of nonclinical subjects (Finkelhor et al., 1990; Russell, 1984) and in more than 60% of forensic samples (Elliott & Briere, 1994; Gomes-Schwartz et al., 1990). The mean age for sexual abuse in nonclinical samples is approximately 9 years old, with a range from infancy to 17 years.

In clinical samples, both sex and race are associated with some differences in abuse experiences and circumstances. Compared to girls, boys are older at onset of victimization, more likely to be abused by nonfamily members, and more likely to be abused by women and by offenders who are known to have abused other children (e.g., Faller, 1989). Differences in abuse experience, offender relationship, family characteristics, and family response also are associated with ethnic background (Rao, DiClemente, & Ponton, 1992). Asians tend to be older at victimization, whereas African American children tend to be the youngest. Hispanic and African American children are more likely than Asian and Caucasian victims to experience penetration offenses. Asian victims are most likely to be abused by a male relative and Caucasian children by an acquaintance. A significant proportion of Asian and Hispanic children have immigrant parents, and Asian victims are most likely to be living with both parents. Reported retrospectively, nonclinical African American and Caucasian women have similar rates of child sexual abuse (Wyatt, 1985), the rates for Asian women are somewhat lower, and Hispanic women are at increased risk for incestuous abuse (Russell, 1984).

Families with a child who has been sexually abused are thought to have certain characteristics. Empirical studies have found that families of both incest and nonincest sexual abuse victims are reported as less cohesive, more disorganized, and generally more dysfunctional than families of nonabused individuals

(Elliott, 1994; Harter, Alexander, & Neimeyer, 1988; Hoagwood & Stewart, 1989; Madonna, Van Scoyk, & Jones, 1991). The areas most often identified as problematic in incest cases are problems with communication, a lack of emotional closeness and flexibility, and social isolation (e.g., Dadds, Smith, Weber, & Robinson, 1991). Although it appears that families in which incest has occurred do exhibit greater dysfunction, it is possible that the pathology is at least as much a result of the incest as the cause (Briere & Elliott, 1993).

Some risk factors for sexual abuse have been identified. Girls are at higher risk for sexual abuse than boys. Both males and females are at increased risk if they have lived without one of their natural parents, have a mother who is unavailable, or perceive their family life as unhappy (Finkelhor & Baron, 1986; Finkelhor et al., 1990). There is speculation that children who have a psychological or cognitive vulnerability also may be at increased risk for sexual abuse (e.g., Tharinger, Horton, & Millea, 1990). The incidence of sexual abuse among children with a disability is 1.75 times the rate for children with no disability (National Center on Child Abuse and Neglect [NCCAN], 1993). To some extent, this confirms the report that offenders select children whom they perceive to be vulnerable to manipulation (Conte, Wolfe, & Smith, 1989). Unlike other forms of child abuse, socioeconomic status does not appear to be related to sexual abuse.

Sexual abuse is accomplished in a variety of ways. In some cases, even though the offender has a relationship with the child, the victimization occurs without warning. More typically, offenders engage in a gradual process of sexualizing the relationship over time (Berliner & Conte, 1990). They may conceal the sexual nature of the activity by characterizing it as nonsexual (e.g., sex education, hygiene) or may encourage the child to consider the relationship as mutual. Repeat offenders generally calculate and plan their approach to victimizing children, often employing elaborate strategies to involve the children, maintain their cooperation, and prevent reporting (Conte et al., 1989; Lang & Frenzel, 1988). In a substantial percentage of cases, offenders use force, threaten the child, or induce fear of injury or death (e.g., Elliott & Briere, 1994; Gomes-Schwartz et al., 1990; Saunders, Kilpatrick, et al., 1992). In other cases, the offender employs emo-

tional coercion, offers tangible rewards, or misuses adult authority.

Disclosing and Reporting Sexual Abuse

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Studies of clinical and nonclinical populations of adults reveal that fewer than half of victims tell anyone at the time of the abuse, and a large percentage never reveal the victimization until asked for research purposes. For example, Finkelhor et al. (1990) found that only about 40% of both men and women had disclosed the abuse at the time it occurred, 24% of women and 14% of men told at a later time, and 33% of women and 42% of men had never told until the time of data collection. Similarly, Elliott (1993b) found that among professional women who were abused as children, immediate disclosures occurred in only 20% of the cases, whereas 40% of the sample had not disclosed the abuse until completing the survey. Even when abuse is disclosed, only 6% to 12% of cases are reported to authorities (Elliott, 1993b; Russell, 1984; Saunders, Kilpatrick, et al., 1992).

Research conducted in clinical and forensic samples of children similarly suggests that there is typically a delay in disclosure. Gomes-Schwartz et al. (1990) found that only 24% reported within a week of the last episode, and Elliott and Briere (1994) found that 75% of children did not disclose within the year of the first incident, and 18% waited more than 5 years. Many times the victimization comes to light because of an unintentional report from the child victim. Sometimes, for example, children confide in a friend without intending an official report. When children do disclose, they are most likely to tell a parent, usually their mother. Sgroi (1982) has discussed acci-

dental versus purposeful disclosure, and research suggests that preschool children are more likely than older children to make accidental disclosures (Sorensen & Snow, 1991). In 45% to 75% of all cases that come to the attention of authorities, the precipitating event is something other than the child's disclosure of abuse (Sauzier, 1989; Sorensen & Snow, 1991). Abuse may be uncovered because of suspicious behaviors or statements, medical findings of injury or infection, or because a witness interrupted the abuse, pornographic pictures were found, or an offender confessed.

It has been commonly noted that even when children who have been abused are questioned directly, they may deny the abuse initially or later recant. Sorensen and Snow (1991) found that in 116 confirmed cases of sexual abuse, almost three fourths of the children did not reveal abuse when first questioned, and only 11% provided initial disclosures without denying or demonstrating tentative features. Between 8% and 22% of children recant true allegations of sexual abuse (Elliott & Briere, 1994; Jones & McGraw, 1987; Sorensen & Snow, 1991). Children are thought to recant either because they have been subjected to pressure from the offender or family members or because their report has produced negative consequences to themselves or others. Many children report fears about telling or regret the disclosure because of the outcome (Sauzier, 1989). Even when children do report abuse that is later confirmed, their accounts frequently are marked by inconsistencies and tentativeness (Sorensen & Snow, 1991). Summit (1983) described a child sexual abuse accommodation syndrome that consists of several dynamics that can affect children's ability to disclose their abuse. These dynamics (secrecy, helplessness, entrapment, and accommodation) can lead to delayed, unconvincing disclosure or retraction.

Although children sometimes do not disclose when asked, it has been demonstrated in clinical samples that children and adult women are more likely to report abuse if they are asked. A study of child outpatients showed a marked increase in the reported rate of sexual abuse (from 6% to 31%) when the children were asked specifically about a possible abuse history (Lanktree, Briere, & Zaidi, 1991). Similarly, Briere and Zaidi (1989) found that the rate of sexual abuse

history in adult female psychiatric emergency room patients increased from 6% to 70% after clinicians were instructed to screen for sexual abuse. The prevalence of sexual abuse in clinical samples and the hypothesized relationship between abuse and later psychological functioning support routine inquiry regarding sexual abuse for individuals who present in clinical settings.

Effects of Sexual Abuse

Research conducted over the past decade indicates that a wide range of psychological and interpersonal problems are more prevalent among those who have been sexually abused than among individuals with no such experiences. Although a definitive causal relationship between such difficulties and sexual abuse cannot be established using current retrospective research methodologies (Briere, 1992b), the aggregate of consistent findings in this literature has led many researchers and clinicians to conclude that childhood sexual abuse is a major risk factor for a variety of problems, both in the short term (e.g., Beitchman, Zucker, Hood, daCosta, & Ackman, 1991; Berliner, 1991; Kendall-Tackett, Williams, & Finkelhor, 1993) and in terms of later adult functioning (e.g., Browne & Finkelhor, 1986; Finkelhor, 1990). Fundamentally, the harm can be attributed to the fact that sexual abuse is always nonconsensual, frequently developmentally inappropriate, and invariably alters the nature of the relationship within which it occurs. It can be painful, frightening, and confusing and can lead to responses in childhood that interfere with normal developmental processes and increase the risk for subsequent maladjustment in adult life.

Effects on Children

The scientific study of the impact of sexual abuse on children is a relatively recent endeavor. However, a body of empirical literature specifically describing the effects of sexual abuse on child victims has accumulated. Unlike studies of adults that have been conducted with nonclinical as well as with clinical samples, most information on children is derived from clinical samples, virtually all of which have some involvement with child protec-

tion or criminal justice authorities. Thus, what is discussed below regarding the effects of sexual abuse on children is based primarily on clinical data. Consistent with the clinical data, however, two recent studies of nonclinical teenagers suggest that sexually abused adolescents report higher rates of emotional and behavioral problems than their nonabused peers (Boney-McCoy & Finkelhor, 1995; Hibbard, Ingersoll, & Orr, 1990).

Emotional distress and dysfunction. As a group, sexually abused children do not self-report clinically significant levels of distress on symptom checklist measures of depression, anxiety, and self-esteem and often do not differ from comparison groups of nonabused children on these measures (Einbender & Friedrich, 1989; Mannarino, Cohen, & Gregor, 1989; Wolfe, Gentile, & Wolfe, 1989). However, emotional disturbance has been found on personality tests (e.g., Basta & Peterson, 1990; German, Habernicht, & Fitcher, 1990; Scott & Stone, 1986) and projective measures (Stovall & Craig, 1990). Projective measures may pick up aspects of functioning that children cannot or do not reveal symptomatically. For example, children who were reported by parents to have internalizing distress but did not themselves report depression revealed depressive symptomatology on their Rorschach responses (Shapiro, Leifer, Martone, & Kassem, 1990).

A number of factors may account for the lack of group differences in symptom checklist measures. It has been hypothesized that generic measures do not tap the abuse-specific effects of sexual molestation (Briere & Runtz, 1993). In addition, there is significant variation in the effects of abuse on children, mediated by a number of factors discussed in the next section. Finally, problems in certain areas of clinical interest appear to develop over time and may not be apparent when victims are screened initially (Briere, 1992b; Gomes-Schwartz et al., 1990).

Unlike with *child* victims, nonclinical *adolescent* samples of sexual abuse victims do report higher levels of depression and anxiety on generic measures (Gidycz & Koss, 1989). The group differences noted in adolescents may result from an increased ability of teenagers (compared to younger children) to report problems or, alternatively, may represent a delayed response to earlier sexual abuse experiences.

When sexually abused children in treatment are compared to their non-abused clinical cohorts, they tend to have different kinds of problems. They are more likely than their nonabused peers to be diagnosed with depression, exhibit suicidal behavior (Lanktree et al., 1991), and have lower self-esteem (Cavaola & Schiff, 1989; Wozencraft, Wagner, & Pellegrin, 1991), greater symptoms of anxiety (Kolko, Moser, & Weldy, 1988), and more substance abuse problems (Singer, Petchers, & Hussey, 1989). When sexually abused girls from dysfunctional families are compared with nonabused girls from similarly disturbed families, the abused girls have lower self-esteem, more internalized aggression, and poorer relationships with their mothers (Hotte & Rafman, 1992).

Posttrauma effects. Posttraumatic stress disorder (PTSD) (American Psychiatric Association, 1994), a psychiatric diagnosis that describes anxiety responses to a significant stressor, has been found in abused children. Researchers assessing children specifically for PTSD using standard diagnostic criteria or interview schedules have found rates up to 48% (McLeer, Deblinger, Atkins, Ralphe, & Foa, 1988). Sexually abused children appear more likely than other maltreated children to receive the diagnosis (Deblinger, McLeer, Atkins, Ralphe, & Foa, 1988). Although the majority of sexually abused children do not meet full diagnostic criteria, many exhibit PTSD symptoms (McLeer, Deblinger, Henry, & Orvaschel, 1992; Wolfe et al., 1989). Conte and Schuerman (1987) found that sexually abused children differed significantly from a nonabused comparison group, especially in posttraumatic symptoms such as fear, anxiety, and concentration problems.

Behavioral problems. On standard measures of child behavioral problems, sexually abused children are reported by their parents to have more behavioral problems than nonabused children. The problems reach clinically significant elevations but are not as severe as in clinical populations (e.g., Cohen & Mannarino, 1988; Einbender & Friedrich, 1989; Gomes-Schwartz et al., 1990; Tong, Oates, & McDowell, 1986). In addition, maternal distress and lack of support for the child appear to be associated with reporting higher levels of child behavior problems (Everson, Hunter, Runyan, Edelsohn, &

Coulter, 1989). When sexually abused boys were compared to a clinical sample of boys with oppositional or conduct disorders, abused boys were less externalizing and more sexualized (Friedrich, Beilke, & Urquiza, 1988).

Adolescents who have been sexually abused are more likely than nonvictims to run away from home, use drugs, and be bulimic (Hibbard et al., 1990) than nonvictims. In addition, teenage mothers with a history of sexual abuse are more likely to abuse their children or have them taken away by child protective services (CPS) (Boyer & Fine, 1991).

A specific effect of sexual abuse is increased sexual behavior. Samples of sexually abused children are reported consistently as having more sexual behavior problems than samples of nonabused children. In addition, the increased sexualized behavior appears uniquely related to sexual abuse, with sexually abused children reported to have more sexual behavior than a clinical comparison of neglected, physically abused, and psychiatrically disturbed children in outpatient samples (Gale, Thompson, Moran, & Sack, 1988; Kolko et al., 1988; White, Halpin, Strom, & Santelli, 1988). Sexually aggressive boys generally have more serious abuse histories and more disturbed family functioning (Friedrich & Luecke, 1989).

Friedrich developed a parent report instrument to assess the presence and level of sexual behavior in children (Child Sexual Behavior Inventory [CSBI]) (Friedrich, Grambsch, Broughton, Kuiper, & Beilke, 1991). Their data suggest that some types of sexual behaviors are quite common in nonabused children. For example, more than 40% of parents report that their children touch their sex parts at home and undress in front of others. Other more explicit sexual behaviors appear quite rare. Oral-genital contact and the insertion of objects into the vagina or anus, for example, were observed by less than 1% of the parents. Parental nudity, exposure to explicit sexual behavior, and a history of life problems are associated with increased sexual behavior in children. When sexually abused children are compared with nonabused children, they tend to have more sexual behavior and engage in sexual behavior imitative of adult sexual activity (Friedrich et al., 1992). However, most sexually abused children do not engage in sexualized behavior (Friedrich, 1993).

Interpersonal consequences. Sexually abused children tend to be less socially competent, more aggressive, and more socially withdrawn than nonabused children (Friedrich, Beilke, & Urquiza, 1987). As a group, these children perceive themselves as different from others and tend to be less trusting of those in their immediate environment (Mannarino, Cohen, & Berman, 1994). On projective measures, abused children exhibit more disturbed object relations than do their nonabused peers (Stovall & Craig, 1990).

As previously stated, a specific effect of sexual abuse among children is that of increased sexual behavior. Such behavior not only may result in interpersonal rejection or stigmatization by the victim's peer milieu but may lead to social sanctions and punishments when such behavior escalates into the victimization of other children (Gil & Johnson, 1993).

Cognitive difficulties and distortions. Cognitive functioning appears to be affected by sexual abuse experiences. Einbender and Friedrich (1989) report greater cognitive impairment in a sample of sexually abused girls. Some effects of abuse on children who have been observed clinically have not been fully examined empirically. For example, guilt, shame, self-blame, loss of trust, and the effects of stigmatization are thought to be common in sexually abused children. Few measures are designed to assess these impacts, thus little data are available. Contrary to a common clinical impression, empirical studies find that most children do not blame themselves for what happened (e.g., Hunter, Goodwin, & Wilson, 1992). However, preliminary evidence supports the view that sexually abused children as a group tend to perceive themselves as different from peers and have heightened self-blame for other negative events and reduced interpersonal trust (Mannarino et al., 1994). Until further data are available, generalizations about these areas of potential impact should be made cautiously, because these relationships are apt to be complex and multidetermined.

Course of symptoms. The few available studies that document children's symptoms over time reveal a general pattern of improvement for most children. However, between 10% and 24% of child victims either do not improve or deteriorate (see Kendall-Tackett et al., 1993). In addi-

tion, Gomes-Schwartz et al. (1990) found that abused children who were initially least symptomatic had more problems at 18 months than did their initially more highly symptomatic peers. Friedrich and Reams (1987) note that in a series of case studies, symptoms tend to fluctuate over time rather than improve in linear fashion. In a longitudinal study of children in abuse-focused therapy, Lanktree and Briere (1995) demonstrated a positive impact of such treatment on symptomatology. Their data also suggest that certain symptoms, particularly dissociation, sexual concerns, and posttraumatic stress, require longer-term treatment before significant attenuation in distress is reported by children. Because the longest follow-up period has been 18 months, little is known about the long-term process of symptom development and subsequent recovery.

Effects on Adults

Sexual abuse constitutes a major risk factor for a variety of problems in adult life (Browne & Finkelhor, 1986; Finkelhor, 1990). However, the effects of abuse on adult living are not uniform; some survivors report very few symptoms, but others experience life as overwhelming in many domains. Of the latter group, those who seek treatment often present with a complex array of difficulties and concerns. Whether mild or severe, the symptoms evidenced by adult survivors are an extension of those found in child victims (Briere, 1989).

Like child victims, many adult survivors of sexual abuse internalize abuse-related pain (producing affective symptoms such as anxiety and depression) as well as externalize it (creating behavioral problems and interpersonal difficulties). This range of abuse-related difficulties has been documented across race and social class (Stein, Golding, Siegel, Burnam, & Sorensen, 1988).

Research on the long-term effects of sexual abuse has tended to focus on the sequelae in women. Studies that include males suggest that sexual abuse has lasting impacts on adult adjustment for both genders. However, there may be sex differences in symptomatology, reflected in a tendency for males to cope with their abuse by externalizing their distress (e.g., increased anger and aggression toward others) and for females to employ greater

internalization in coping (e.g., depression; Lew, 1988; Urquiza & Crowley, 1986).

Emotional distress. As with sexually abused children, adult survivors report more dysphoria than do their nonabused peers. Depression is the most frequently reported symptom and has been documented in a variety of clinical and non-clinical samples (Browne & Finkelhor, 1986).

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Sexual abuse victims may have as much as a fourfold greater lifetime risk for major depression than do individuals with no such abuse history (Stein et al., 1988). The pervasiveness of depression among some survivors is thought to be the cumulative effects of chronic betrayal, disempowerment, feelings of guilt and helplessness, and low self-esteem (Finkelhor & Browne, 1985; Peters, 1988). Thus, it should not be surprising that increased suicidal ideation and behaviors have been linked to sexual abuse. In two studies of outpatient women, for example, patients with an abuse history were twice as likely to have attempted suicide than were their nonabused peers (Briere & Runtz, 1987; Briere & Zaidi, 1989). In a community sample, approximately 16% of survivors had attempted suicide, whereas less than 6% of their nonabused cohorts had made a similar attempt (Saunders, Villeponteaux, Lipovsky, & Kilpatrick, 1992).

Anxiety is also a well-documented sequel of sexual abuse (Donaldson & Gardner, 1985; Peters, 1988). In the general population, survivors are more likely than nonabused individuals to meet the criteria for generalized anxiety disorder, phobias, panic disorder, and/or obsessive compulsive disorder, with sexual abuse survivors having up to five times a greater likelihood of being diagnosed with at least one anxiety disorder than their nonabused peers (Saunders, Villeponteaux, et al., 1992; Stein et al., 1988). Adults with child abuse histories may manifest their anxiety in multiple dimensions: (a) cognitively (e.g., through excessive preoccu-

pation with and hypervigilance to danger) (Jehu, 1988), (b) with classically conditioned responses (e.g., sexual dysfunction), and (c) somatically, as a natural extension of sympathetic nervous system hyperarousal (e.g., headaches, gastrointestinal problems, back and pelvic pain, and muscle tension) (Springs & Friedrich, 1992).

In addition to chronic anxiety and depression, problems with anger often are reported by adult survivors of child sexual abuse. Survivors frequently report chronic irritability, unexpected feelings of rage, and fear of their own anger (Briere & Runtz, 1987; Donaldson & Gardner, 1985). Such feelings can be internalized as self-hatred and depression (Courtois, 1988) or externalized and result in the perpetration of abuse against others (Herman, 1988). The rage experienced by some survivors can intensify when it is restimulated by interpersonal events reminiscent of the original abuse scenario.

Posttrauma effects. Psychological distress that occurs in reaction to a traumatic event often manifests itself in the ongoing reexperiencing of that event through nightmares, flashbacks, intrusive thoughts, and other symptoms of PTSD. Child sexual abuse has been shown to result in PTSD in as many as 36% of adult survivors (Donaldson & Gardner, 1985; Saunders, Villeponteaux, et al., 1992). When the abuse included penetration, the risk for developing PTSD appears especially high, with as many as 66% of such victims developing the disorder at some point in their lives (Saunders, Villeponteaux, et al., 1992). Although many adult survivors do not meet the *DSM-III* criteria for PTSD, the experience of both intrusive and avoidant symptoms associated with PTSD is common (Elliott & Briere, 1994). The reliving of the original abuse experience (whether through flashbacks, intrusive thoughts, or nightmares) often is not perceived as under the control of the adult survivor and, therefore, is apt to reinforce the feelings of helplessness and victimization of the original experience.

Clinical writers suggest that, along with PTSD, dissociation is a common response to highly traumatic events and often is seen in adult survivors of sexual abuse (Kluft, 1985; Putnum, 1990). In addition, research studies demonstrate a relationship between dissociation and childhood sexual abuse (Briere & Runtz, 1987; Chu

& Dill, 1990). Dissociation is thought to be the psyche's defense against the complete awareness of abuse-related thoughts, feelings, and behaviors (van der Kolk & Kadish, 1987). For victims of especially severe abuse, the trauma may be overwhelming, making it difficult for the survivor to fully integrate the events cognitively and thus reinforcing any mechanism that reduces complete awareness of the trauma. The ability of the survivor to dissociate abuse-specific thoughts, affects, and memories allows for the reduction of the acute and continuing impacts of victimization by changing the nature or extent of abuse-related pain (Shengold, 1989).

Along with psychic numbing, depersonalization, and disengagement, dissociation may take the form of amnesia for the abuse. According to *DSM-IV* (APA, 1994), amnesia refers to a memory disturbance "characterized by an inability to recall important personal information, usually of a traumatic or stressful nature, that is too extensive to be explained by ordinary forgetfulness" (p. 478). Recent research suggests that a substantial proportion of sexual abuse survivors report partial or complete loss of memory for their abuse experiences (Briere & Conte, 1993; Elliott & Briere, 1995; Williams, 1994). It appears that dissociation of abuse-related memories may be correlated with maltreatment that began at a particularly early age, was long in duration, or was chronic or violent in nature (Briere & Conte, 1993; Herman & Schatzow, 1987). Dissociation also may be correlated with earlier abuse by a family member (Williams, 1994).

Dissociation of memories superficially may increase the survivor's level of behavioral and psychological functioning by numbing or partitioning off abuse-related affect and recollections (van der Kolk & Kadish, 1987) and thus can be a valuable defense in the presence of acute trauma. However, it can have negative long-term consequences for adaptive functioning later in life and ultimately may decrease the survivor's capacity for self-care and interfere with adaptive cognitive processes. Among sexual abuse survivors, for example, the use of avoidant and suppressing strategies as a means of coping with the abuse has been associated with poorer adult psychological adjustment (Leitenberg, Greenwald, & Cado, 1992).

Cognitive distortions. During childhood, internal templates for adult assumptions about self, others, and safety of the environment are created (Cole & Putnum, 1992). Sexual abuse survivors often are raised in intrusive and violent environments. As a result, abuse-related cognitions are common and reflect self-blame, low self-esteem, negative self-attributes, a disbelief in self-efficacy, and a perception of self as helpless and life as dangerous or hopeless (Gold, 1986; Jehu, 1988). Such cognitive disturbance is thought to arise from stigmatization associated with responses to the abuse and the victim's internalization of the assumptions regarding self, the abuser, and society at large (Finkelhor & Browne, 1985).

Clinical writers have stressed the role of the victim's need to make sense of his or her abuse as supporting the development of cognitive distortions (Briere, 1989).

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The child who is victimized by a caretaker is forced into an "abuse dichotomy" when attempting to understand the perpetrator's behavior: "Either he or she is bad or I am the bad one." Because of children's developmental status and their acceptance of social messages regarding parent-child interactions (i.e., the caretaker is necessarily right in disagreements), children often assume that the abusive act is justifiable punishment for some misdeed. This conclusion logically leads to another: "It must be my fault that I am being hurt, and thus it follows that I am as bad as whatever was or is done to me" (Briere, 1989, p. 88). As a result, the survivor may internalize a sense of self-blame and inherent badness that lasts well into adulthood.

Externalized emotional distress. Child abuse can result in a constant challenge to the development and implementation

of coping mechanisms because of the level of hyperarousal, emotional pain, and restimulation of abuse memories experienced by many survivors. Thus, any external activity that successfully reduces such internal tension (e.g., through distraction, self-soothing, or anesthesia) is reinforced. These activities include self-mutilatory activities such as cutting, burning, hitting oneself, or pulling out hair (van der Kolk, Perry, & Herman, 1991; Walsh & Rosen, 1988); using sexual activity during times of intense painful affect (Briere, 1992a); bingeing and purging to deal with feelings of emptiness (Piran, Lerner, Garfinkel, Kennedy, & Brouillette, 1988; Steiger & Zanko, 1990); and alcohol or substance abuse (Singer et al., 1989; Sullivan, 1988).

These patterns, although potential problems for family members and therapists, are often the survivor's attempt to reduce overwhelming pain and reestablish a sense of internal balance. They are activated most frequently when feelings of anger, anxiety, guilt, intrusion, isolation, or sadness overwhelm the survivor's internal resources. Subsequent to engaging in tension reduction behaviors, survivors often report an initial sense of escape, pleasure, relaxation, or relief. This, however, may be followed by increased feelings of guilt or self-loathing and may precipitate a repeat of the tension reduction behavior (Briere, 1992a).

Interpersonal difficulties. Given the emotional distress, the tendency toward distorted beliefs regarding self and others, the intrusion and destabilization associated with posttraumatic stress, and the often maladaptive efforts to deal with such difficulties experienced by many survivors, interpersonal problems in adulthood are a predictable sequel of childhood sexual abuse. Because the victimization typically occurs in the context of human relationships, sexual abuse can cause a disruption in the normal process of learning to trust, act autonomously, and form stable, secure relationships (Courtois, 1988; Elliott, 1994). Furthermore, the violation and betrayal of boundaries in the context of developing intimacy can create interpersonal ambivalence in many adult survivors.

As adults, female survivors report a greater fear of both men and women (e.g., Briere & Runtz, 1987). They are more likely to remain single, and once married they are more likely to divorce or

separate from their husbands than are nonabused women (e.g., Russell, 1986). They report having fewer friends (Gold, 1986), less satisfaction in their relationships, greater discomfort and sensitivity, and more maladaptive interpersonal patterns (Elliott, 1994).

Of the interpersonal sequelae, perhaps the most common complaint of sexual abuse survivors is in the sexual domain. This may take the form of sexual dysfunction (Maltz & Holman, 1987), sexual preoccupation (Lew, 1988), fantasies of forced sexual contact (Briere, Smiljanich, & Henschel, 1994), or multiple brief and superficial sexual relationships (Courtois, 1988). In addition, sexual abuse survivors are more likely to become involved in abusive sexual or romantic relationships (Browne & Finkelhor, 1986) and experience revictimization in their adult lives (Russell, 1986; Sorensen, Siegel, Golding, & Stein, 1991).

Mediating Factors

Although the literature summarized earlier is relatively unanimous with regard to the potential negative psychological impacts of childhood sexual abuse, such victimization does not necessarily have inevitable or massive impact on victims. A careful examination of the data suggests that although child and adult survivors tend, as groups, to have more problems than their nonabused peers, there is no single universal or uniform impact of sexual abuse and no guarantee that any given person will develop any posttraumatic responses to sexual abuse. In fact, up to 40% of sexually abused children did not appear to have any of the expected abuse-related problems in a number of studies (Kendall-Tackett et al., 1993). This may reflect the fact that the term *sexual abuse* covers a range of abusive behaviors of varying intensity and duration. For example, survivors who experience a single incident of less intrusive sexual abuse and then disclose to a supportive parent who takes protective action may be more likely to report minimal or none of the typical sequelae documented in research studies and outlined in this chapter.

Certain characteristics of the abuse experience and the environment in which it took place appear to influence the ultimate development of distress. Abuse

involving penetration, violence, a closer relationship to the offender, multiple offenders, longer duration, and more frequent contact usually are found to be related to more negative impact in both child (e.g., Conte & Schuerman, 1987) and adult survivors (Peters, 1988; Russell, 1986). Age and sex appear to be related more to the type of distress seen in children. Boys appear to have more externalizing problems than girls (Friedrich et al., 1988). As previously mentioned, children manifest different kinds of problems at different developmental stages, and adult symptomatology appears to be influenced by the developmental stage in which the abuse occurred (Cole & Putnam, 1992; Kendall-Tackett et al., 1993). Parents report more behavior problems in school-age children, and adolescents self-report higher levels of distress.

Cognitive appraisal and coping may be among the most important factors for the development of problems in sexually abused children.

Cognitive appraisal and coping may be among the most important factors for the development of problems in sexually abused children (Spaccarelli, 1994). Interestingly, higher levels of cognitive functioning are correlated with greater distress (Shapiro, Leifer, Martone, & Kassem, 1992), perhaps because older children or those with more sophisticated cognitive functioning are more able to appreciate the implications of having been abused. Greater distress also is found in children who (a) have a global, stable, and internal attributional style (Wolfe et al., 1989); (b) blame themselves for the abuse (Morrow, 1991); (c) view their experiences as threatening and use wishful thinking as a coping strategy (Johnson & Kenkel, 1991); and (d) form various other negative cognitive appraisals regarding the abuse (Spaccarelli, in press).

A number of studies document the contributory role of the victim's childhood family environment in symptomatology (Alexander, 1992; Briere & Elliott, 1993).

Family dysfunction not only may increase the likelihood of intrafamilial sexual abuse but also may exacerbate the ef-

fects of the abuse once it has occurred (Alexander, 1992; Courtois, 1988). Abused children are more distressed if their families have characteristics of negative family functioning (Conte & Schuerman, 1987), more conflict, and less cohesion (Friedrich et al., 1987). Families of abused children often have multiple additional problems, including parental divorce, violence, psychiatric problems, and substance abuse (Elliott & Briere, 1994; Finkelhor & Baron, 1986). More extreme psychological problems are predicted in adulthood by subsequent revictimization (Russell, 1986; Sorensen et al., 1991) and a lack of social support available to the adult survivor (Herman, 1992; Springs & Friedrich, 1992).

Maternal belief in the child's disclosure and support following disclosure have a significant impact on later functioning. In contrast to conventional wisdom, most parents believe their children and take some protective action (Conte & Schuerman, 1987; Elliott & Briere, 1994; Gomes-Schwartz et al., 1990). Maternal support (Everson et al., 1989; Gomes-Schwartz et al., 1990; Runyan, Hunter, & Everson, 1992) or a supportive relationship with an adult (Conte & Schuerman, 1987) is associated with decreased psychological distress.

In general, the closer the relationship of the offender to the mother, the more likely that support will be compromised. The highest risk of failure to support is found when the offender is a stepfather or the mother's live-in boyfriend (Elliott & Briere, 1994; Gomes-Schwartz et al., 1990). In incest cases, mothers are more likely to believe if the child is younger, has not also been physically abused, and when the offender does not have a history of alcohol abuse (Sirles & Franke, 1989). Similarly, in combined incest and nonincest cases, lack of maternal support was predicted by physical abuse or neglect of the victim, spousal abuse, and substance abuse of the caretaker (Elliott & Briere, 1994). Lack of maternal support also is associated with the impact of intervention. The most important variable predicting out-of-home placement is whether the mother believes and supports the child (Hunter, Coulter, Runyan, & Everson, 1990). Children who lack maternal support are more likely to recant the original allegation of abuse or refuse to report it, even in the face of clear evidence that the abuse occurred (Elliott & Briere, 1994; Lawson & Chaffin, 1992). Finally, mater-

nal support also is related to the impact of criminal court testimony on the abused child (Goodman et al., 1992; Whitcomb et al., 1991).

The various activities associated with professional intervention may affect the level of psychological distress. Multiple interviews by *different* personnel appear to increase symptoms (Tedesco & Schell, 1987), although multiple interviews with the *same* individual may not necessarily do so. Placement or separation per se is not always distressing (Berliner & Conte, 1995). The increased symptomatology noted in children who are taken into protective custody may be secondary to the lack of caretaker support that provoked placement (Runyan, Everson, Edelsohn, Hunter, & Coulter, 1988). Testifying in *juvenile* court has not been found to increase distress in child victims (Runyan et al., 1988). However, testimony in *criminal* court is associated with increased distress when it occurs more than once or is lengthy and harsh (Goodman et al., 1992; Whitcomb et al., 1991). The outcome of the case or whether the children received psychotherapy is not associated with the impact of testifying on psychological distress. However, children who are provided with a stress inoculation court preparation intervention have reduced psychological distress associated with providing court testimony (Sas, 1991).

Treatment Issues

Clinical Assessment

As previously stated, several studies using generic measures of distress have not demonstrated differences between non-clinical abused and nonabused children. Such instruments may not tap the specific effects of sexual abuse and thus overestimate the number of asymptomatic abuse victims. In response to this problem, investigators have attempted to identify abuse-specific effects by developing measures specifically designed to assess the impact of abuse. Briere (in press), for example, has developed the Trauma Symptoms Checklist for Children (TSCC), which taps into symptoms such as anger, dissociation, PTSD, and sexual concerns and has been shown to distinguish abused from nonabused children (e.g., Elliott & Briere, 1994). Other helpful abuse-

specific measures include Friedrich et al.'s (1992) Child Sexual Behavior Inventory, the Child Dissociative Checklist (Putnum, Helmers, & Trickett, 1993), the Children's Impact of Traumatic Events Scale (Wolfe, Wolfe, & LaRose, 1986), and the Children's Attribution and Perception Scale (Mannarino et al., 1994).

In addition, the use of generic psychological tests by clinicians examining *adult* sexual abuse survivors (e.g., Minnesota Multiphasic Personality Inventory [MMPI], Millon Clinical Multiaxial Inventory [MCMI], Rorschach) may underestimate the specific abuse-related distress of these individuals. Elliott (1993a), for example, found that neither the MMPI-2 nor the MCMI-II distinguish adult victims from nonvictims. However, the Trauma Symptom Inventory (Briere, 1995), a clinical instrument designed to assess traumatic impacts in adults, discriminated between the two groups on 8 of the 10 scales. These and similar data suggest that although measures of personality disturbance and generic psychological distress may not be particularly helpful in clarifying the symptom picture unique to victims of interpersonal violence, more specific measures such as the Belief Inventory—Revised (Jehu, 1988), the Impact of Events Scale (Horowitz, Wilner, & Alvarez, 1979), and the Trauma Symptom Inventory (Briere, 1995) appear to address the symptoms and concerns most relevant to sexual abuse treatment.

Treatment Issues With Children

It is widely accepted that treatment is indicated for most children who have been sexually victimized (Friedrich, 1990). Whether a child actually receives treatment, however, is affected by socioeconomic status and ethnicity (Haskett, Nowlan, Hutcheson, & Whitworth, 1991). Most children who are seen for treatment receive relatively few sessions (Gomes-Schwartz et al., 1990). Keller, Cicchinelli, and Gardner (1989) surveyed more than 400 programs and found that individual therapy is the most common form of therapy for sexually abused children, although group and family therapy also are employed frequently. Programs for sexually abused children often lack conceptual clarity about the specific purpose or expected outcomes of treatment (e.g., Kolko, 1987).

Empirical evaluation of treatment effectiveness is just beginning. Pre- and posttreatment studies reveal that children generally improve over the course of abuse-specific therapy (Bentovim, van Elberg, & Boston, 1988; Deblinger, McLeer, & Henry, 1990; Lanktree & Briere, 1995; Nelki & Watters, 1989). Without comparison groups, the improvement cannot be ascribed definitively to the treatment process, although Lanktree and Briere (1995) found that time in treatment accounted for the improvement when time from abuse to the onset of treatment was controlled. No controlled clinical trials have been published, but a review (Finkelhor & Berliner, 1995) finds that abuse-specific treatment appears to be effective when compared to no-treatment control groups. On the other hand, when two alternative treatments are compared, few significant differences emerge. Extensive clinical literature describes treatment approaches for sexually abused children. Friedrich (1990), Gil (1991), and James (1989) offer a theoretical framework for abuse-focused therapy and give examples of specific interventions. Case studies illustrate a variety of approaches to therapy with individual clients: cognitive-behavioral (Becker, Skinner, & Abel, 1982; Koiko, 1986), psychodynamic (Ellis, Piersma, & Grayson, 1990; Seinfeld, 1989; Van Leeuwen, 1988), and pharmacological (Famularo, Kinscherff, & Fenton, 1988). Friedrich (1991) has edited a volume of case studies by various authors encompassing a range of clinical situations.

Group therapy is the most specifically described therapeutic approach, with numerous published articles (e.g., Berman, 1990; Corder, Haizlip, & DeBoer, 1990; Furniss, Bingley-Miller, & Van Elburg, 1988; Mandell & Damon, 1989; Steward, Farquar, Dicharry, Glick, & Martin, 1986). Groups are usually theme oriented and characterized as supportive and psychoeducational. They are often time limited, especially for younger children. Topics frequently covered are feelings about the abuse and the offender, corrective information about abuse and offenders, education regarding sexuality, sexual abuse prevention material, preparation for court, and identification of a support system. In some cases, a concurrent parent support group is recommended (e.g., Damon & Waterman, 1986).

Specific treatment approaches for children with sexual behavior problems have

been described by Gil and Johnson (1993), Cunningham and MacFarlane (1991), and Berliner and Rawlings (1991). All borrow from abuse-focused therapy, offender treatment, and standard interventions for child behavior problems and/or family dysfunction. The source of the behavior (especially unresolved victimization issues), the behavior itself, and the family context are addressed. The process of treatment may be as simple as educating parents to supervise and set appropriate limits. Typically, however, treatment is complex and requires intervention at many levels. The need for intervention targeted on specific behaviors is supported by the apparent unresponsiveness of sexual acting out to conventional abuse therapy.

Family therapy is strongly indicated because poor family functioning and family disruption are associated with increased risk for abuse, official response following abuse disclosure, and psychological harm to children. Negative parental reactions are related to initial impact, recovery over time, and the impact of the criminal justice process. Siblings also experience psychological distress in families in which there has been incest (DiPietro, 1987; Lipovsky, Saunders, & Murphy, 1989). Clinical literature often mentions the importance of enhancing parental support, usually through supportive, psychoeducational approaches in which the parent is provided with information about victimization and offenders and is helped to understand and empathize with the child's experience. However, little empirical data are available on family interventions. Winton (1990) reports on a positive evaluation of a parent support group. Approaches to reunification of offenders with the family have been described (Meinig & Bonner, 1990), although there has been no formal investigation of this type of therapeutic intervention.

Treatment Issues With Adults

Because of the complex array of symptoms evidenced by many adult survivors of sexual abuse, diagnosis and treatment of such individuals require careful attention to a variety of issues. Survivors in treatment may satisfy diagnostic criteria for several different forms of psychological disturbance (including various affective, dissociative, and somatization disorders), posttraumatic stress, and substance

abuse or addiction (Pribor & Dinwiddle, 1992; Saunders, Villeponteaux, et al., 1992; Stein et al., 1988). As a result of this complexity, clinicians run the risk of either over- or underdiagnosing or of being distracted by the diagnosis *per se*. A case in point is the borderline personality disorder (BPD). The association between a childhood sexual abuse history and the diagnosis of BPD has received particular attention in the recent literature (Briere & Zaidi, 1989; Herman, Perry, & van der Kolk, 1989; Kroll, 1993) because many of the logical affective and interpersonal sequelae of chronic child abuse are contained in the diagnostic criteria for BPD. The excessive or reflexive use of this diagnosis with abuse survivors, however, demonstrates that the mere application of a diagnostic label is often not helpful without a contextual understanding of the specific dynamics and phenomenology of the childhood events that underlie it (Briere, 1992a; Kroll, 1993).

Despite the many abuse-related problems cited earlier and the prevalence of childhood sexual abuse among clinical groups, relatively few works elucidate abuse-specific treatment methodologies with adults (e.g., Briere, 1989; Courtois, 1988; Jehu, 1988; Maltz & Holman, 1987), and only a handful of studies report on the efficacy of a group treatment approach with adult survivors (e.g., Alexander, Neimeyer, & Follette, 1991; Follette, Alexander, & Follette, 1991). These treatment studies suggest that although there is significant benefit to an interpersonal group therapy approach in terms of reducing symptoms of depression and social anxiety, treatment effects are mitigated by the current social support system and education of the survivor. Such treatment may be most helpful as an adjunct to intensive individual therapy.

Although clinical outcome data are limited at this time, abuse-specific treatment is probably more helpful in the resolution of postabuse trauma than are therapies that overlook the existence and impact of childhood molestation. Because the known effects of childhood sexual victimization are so varied (e.g., posttraumatic symptoms, cognitive distortions, problems with self-development, and disturbed relatedness), abuse-focused therapy must respond to a wide range of clinical problems and employ a variety of treatment interventions rather than rely on a single therapeutic approach or philosophy.

Conclusion

Sexual abuse is a relatively common experience in the lives of children, and sexually abused children typically suffer psychological aftereffects. Of great concern is the fact that such experiences not only produce immediate difficulties but also constitute a significant risk factor for the development of subsequent health, psychiatric, and life-functioning difficulties. Important mediating variables have been identified, including characteristics of the abuse and support from the family. Prospective studies that follow children into adulthood would provide the best method for understanding the processes and experiences that mitigate or exacerbate abuse effects. In the absence of such research, intervention efforts should be designed not only to ameliorate current symptoms but also promote an emotional and cognitive resolution that may improve the likelihood of a positive outcome in later years.

Workshop B
Domestic Violence:
Promoting Victim Safety

Domestic Violence: Promoting Victim Safety

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THE BOSTON SUNDAY GLOBE • DECEMBER 31, 1995

In memoriam

Margaret Lockley was shot dead on Monday, Jan. 9, barely more than a week after the beginning of 1995. According to police, she was killed by her ex-husband, with whom she still shared a house in Chelsea, when she and her new spouse made a bid to move elsewhere.

Brenda Andrews was strangled to death on Sunday, Dec. 17, barely more than two weeks before the end of 1995. According to police, her twisted body was found by her children in the closet of a second-floor Roxbury bedroom. Her boyfriend has been charged with the crime.

Between the deaths of Lockley and Andrews passed 341 days and 52 more lives lost to domestic violence in Massachusetts. Fifty-four victims, up sharply from 31 last year: 33 women and 21 men; 45 murders and nine suicides. Those were the numbers. Pistols and swords; shotguns and knives; bare hands and a piercing hate born of twisted adoration. Those were the weapons.

The state has taken important steps this year in the long march against violence at home. The Legislature established a pilot SafePlan program in Hampshire County, hiring trained advocates for victims of domestic violence to work in both the district and probate courts there. But most of the 50,000 people seeking restraining orders each year in the commonwealth must still do so on their own. We hope SafePlan is expanded throughout the state in 1996. More generally, the massive statewide overburdening of the probate and family court system is hampering the administration of justice. As the jurisdiction of those courts expands, their operating budgets should be increased correspondingly.

The appointment of Joan Stiles as the first full-time executive director of the governor's commission on domestic violence underscored Gov. William F. Weld's strong record of supporting initiatives against battering. His welfare reform measures, however, will disproportionately hurt women under attack, who often depend on public assistance in their flight from abusive relationships.

The state budget contained language prohibiting insurance companies from discriminating against victims of domestic violence, but there is little evidence that such blacklisting is much of a problem here to begin with. The real tragedy is that women, and men, are still dying at the hands of their domestic partners, and unfortunately, there is plenty of evidence of that.

Today, as we traditionally do on New Year's Eve, we remember the year's victims of domestic violence in Massachusetts.

■ Jan. 9: Margaret Lockley, 68, of Chelsea, shot to death, allegedly by her ex-husband, James Rossi, 78.

■ Jan. 11: Sandra Caulfield, 33, of Stoughton, allegedly shot by her husband, Norwood policeman William Caulfield, 38, who then killed himself.

■ Jan. 11: Meredith Coppola, 18, of North Andover, stabbed to death, allegedly by boyfriend John McIntyre, 23.

■ Jan. 17: Mireille Jacques, 38, of Mattapan, stabbed to death, allegedly by her estranged husband, George Jacques, 38.

■ Jan. 24: Claire Downing, 60, of Cambridge, beaten to death in her wheelchair with a blunt instrument, allegedly by her husband, Kenneth Downing, 62, who then attempted to commit suicide.

■ Jan. 26: Sharon Gilliam, 29, of Dorchester, shot to death, allegedly by her live-in boyfriend, Michael Lodge, 41.

■ Feb. 5: Nidia Yeghila Vega, 37, of Lawrence, stabbed to death in her apartment, allegedly by her estranged husband, Edwin Rodriguez, 47.

■ Feb. 12: Richard Stuart, 25, of Lynn, and Nelson DeOliveira, 23, of Medford, shot and killed, and Rhonda Stuart, 23, wounded in the chest, allegedly by Rhonda's ex-boyfriend, Stephen Gruning, 28. Richard Stuart was Rhonda's brother and DeOliveira her new boyfriend.

■ Feb. 15: Claire DeFosse, 53, of Spencer, and her attorney, Joseph Fortier, 41, of Charlton, shot to death during a divorce meeting, allegedly by DeFosse's estranged husband, Ernest Don DeFosse, 62, who then killed himself.

■ Feb. 16: Daisy Aviles, 26, of Framingham, shot at least four times and killed, allegedly by her live-in boyfriend, Samuel Sarante, 27, who then hanged himself.

■ Feb. 18: Janeta Simmons, 28, of Lynn, stabbed to death and left in her apartment for five days until her live-in boyfriend, Osa Omoregie, 36, confessed to police.

■ March 2: Esther Ruddock, 67, of Chatham, slashed across the neck and killed, allegedly by her son, Robert Darren Ruddock, 37, who had a history of mental illness.

■ March 5: Janet Lynch, 43, of Brighton, fatally beaten, allegedly by her live-in boyfriend, Philip Sales, 33.

■ March 10: Dawne Mims, 22, of Roxbury, shot to death, allegedly by her ex-boyfriend, Andre Norman, 25, who then committed suicide.

■ March 18: Elizabeth Snell, 52, of Marston Mills, suffocated to death, allegedly by her husband, Emory Snell, 41, who reportedly had a long history of abusive behavior.

■ March 26: Teresa Cardona, 52, and her husband, Juan Cardona, 54, found stabbed to death in their South End apartment. Investigators suspected murder-suicide.

■ April 21: Nancy Wilson, 33, of Dorchester, found dead in a car trunk after being struck by a blunt instrument. Wilson's roommate and possible lover, Stephen Emmons, 36, was arrested in connection with the case.

■ April 27: Keith Gaines, 36, of Dorchester, stabbed to death, allegedly by his girlfriend, Zingy Gamble, 30.

■ May 7: Judith Machado, 32, of New Bedford, stabbed to death by boyfriend Corey Peters, 25, who turned himself in.

■ May 12: Lydia Saez, 43, of Springfield, stabbed in the heart, allegedly by her boyfriend, Gerardo Lopez, 33.

■ May 27: Minerva Moya, 46, of Lawrence, shot to death, allegedly by her live-in boyfriend, Luis Arias, a.k.a. Jose Amaro, 42.

■ June 3: Janice May, 37, of Swampscott, strangled, allegedly by live-in boyfriend Joseph LeClair, 31.

■ Aug. 3: Andrea Holly Thompson, 26, of West Springfield, stabbed to death, allegedly by her estranged husband, Charles Thompson, 32.

■ Aug. 18: Kimberly Vantre, 25, of North Brookfield, shot and killed, allegedly by live-in boyfriend Michael Moriarty, 46, as she attempted to move out of their shared apartment. Moriarty then killed himself.

■ Aug. 22: Laura Argeorgitis, 17, of Swampscott, shot in the face and chest, allegedly by her best friend's boyfriend, Amikar De La Cruz, 16.

■ Aug. 28: Laura Rosenthal, 34, of Framingham, beaten to death, allegedly by her husband, Richard Rosenthal, 40, who then impaled Laura's heart and lungs on a stake in the yard.

■ Sept. 3: Shirley Struis, 31, of Hilden, shot to death, allegedly by her husband, Brian Struis, 34.

■ Sept. 8: Joanne Roy, 32, of Lowell, killed by shotgun, allegedly by her live-in boyfriend and reported long-time abuser, Brian Murphy, 34, who then killed himself.

■ Sept. 9: Leo (Bubba) Boisjolie, 34, 28, of Spencer, stabbed and killed, allegedly by his sister's boyfriend, Ronald Papenst, 23.

■ Sept. 20: Vera Young, 19, of Dorchester, stabbed to death, allegedly by Ervin Johnson, 36, ex-boyfriend and father of her 5-year-old child.

■ Sept. 22: Cheryl Wilson, 34, of Hyannis, shot to death, allegedly by Curtis Wilson, 42, her estranged husband and a Brockton police officer. He then killed himself.

■ Sept. 27: Nitor Macedo, 43, of New Bedford, knifed to death, allegedly by his girlfriend, Marian Doyal, 37.

■ Oct. 3: Stella Gironain, 24, of Somerville, strangled, allegedly by Brian Polly, 41, her boyfriend.

■ Oct. 15: Marie Navarro, 26, of Greenfield, stabbed to death, allegedly by intermittent boyfriend Walden Mejias, 24.

■ Oct. 15: Michael Barg, 39, of Lynn, hacked to death by samurai sword, allegedly by Gerard Casey, Jr., 53, ex-boyfriend of Barg's roommate and possible lover.

■ Oct. 22: Richard Reed, 35, of Dorchester, stabbed to death, allegedly by his live-in girlfriend, Jacqueline Gethers, 50.

■ Nov. 3: Paula Burke, 41, of Lynn, shot and killed, allegedly by her husband, John Burke, 46.

■ Nov. 13-17: Virak Men, 12, Visal Men, 15, Sovanna Men, 9, of Lowell, from gunshot and machine wounds after a Nov. 12 attack, allegedly by Vathy Seng, 34, an ex-boyfriend of the children's mother.

■ Nov. 29: Marie Yvette Jounjoue, 38, of Somerville, shot to death, allegedly by her husband, Louis Laurore, 43.

■ Nov. 30: William Kahn, 48, of Littleton, shot to death, allegedly by John Lin, 25, of Wellesley, ex-husband of one of attorney Kahn's clients. Lin then killed himself.

■ Dec. 17: Brenda Andrews, 42, of Roxbury, strangled, allegedly by her live-in boyfriend, Keith Dunn, 36.



The Commonwealth of Massachusetts
Victim and Witness Assistance Board
Massachusetts Office for Victim Assistance

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According to data collected by the Massachusetts Office for Victim Assistance (MOVA) over the last three years, murders related to domestic violence continue to take place at an alarming rate. MOVA reports that:

- In 1993, 46 women, children and men died. Of that number, 33 were women, 4 were children, 4 were male bystanders or new boyfriends murdered by a jealous ex-partner or spouse, and 5 were abusers killed allegedly by the women they had abused. In addition, four of the murderers committed suicide.
- In 1994, 32 women, children and men died. Of that number, 27 were women, 1 was a child, 1 was an elderly father murdered by his chronically abusive son, and 3 were abusers murdered allegedly by the women they had abused. In addition, six of the murderers committed suicide.
- In 1995, 44, women, children and men had died. Of that number, 32 were women, 3 were children, 6 were male bystanders (victim's attorneys or boyfriends murdered allegedly by a jealous ex-partner or spouse of their girlfriend), and 3 were abusers murdered allegedly by the women they had abused. In addition, nine of the murderers committed suicide.

CHERYL'S CHOICES

[This poem was written to ease my pain around the death of a battered woman I knew personally. I share it in the hope that we can learn something from her death. It defines what the real choices are for battered women and their children.

I hope Cheryl's words can help to create better choices for those still living with abuse. We have a long way to go before women and children can be truly safe. Despite great strides in identifying domestic violence, we have only scratched the surface of the solution. We must have better resource intensive education, increased mechanisms for holding batterers accountable and total systemic collaboration or we will never see real change.]

She stiffly settles before me
The children crouch huddled behind
She is trying to make a decision
To help them escape from their bind

Her eyes search my face in desperation
She needs answers to questions too hard
"Can you guarantee we three will survive there
If we forsake our family, supports and our yard?

I have a great job and a good life here
It may not seem much but it's ours
The choices I'm given are unbearable
Leave or stay trapped by invisible bars

I have tried leaving him much too often.
Each time the children openly grieve
They know he will find us assuredly
And kill me for daring to leave

I knew I was trapped when he beat me
Overwhelmed and pushed to the wall
Not because of the bruises and punches
But that he might kill the kids if I call

Is this what you offer my family?
To leave and then maybe survive?
Take their father's role from my children?
They still love him but need me alive

Are there no other choices but banishment?
Or a life in foster care for my kids?
Can't you give me a safer solution?
Or must I take these beatings of his?

Tell the system to hold him accountable
Help him get rules, support and new skills
I can never take the children from him
If he thinks it was me, he will kill

I have done everything that you asked me
Left my home, moved away, started new
I feel trapped between a system that threatens

And a man who would kill if I grew

I fell in love with someone abusive
Someone damaged in ways no one sees
Once trapped I entered a prison
In a world with no way to get free

Daily I began to walk on a tightrope
Searching for ways to make it work right
Then he'd find new ways to threaten
My decisions became all based in fright

Many people in the system attempted rescue
Convinced they knew how we could survive
But there's no way to enforce his needed limits
And still keep us safe in our lives

I sought advocates for our protection
Hoping they could reduce the kids' dread
But he used his legal rights with a vengeance
Each time staying one cruel step ahead

These loopholes work for my batterer
He turns each support upside down
Your safety net has big holes in it
Mend them soon or I know we will drown!"

Bitter tears prevent her from speaking
The children stand wedged at her side
They each grab a hand to support her
Their lives based on what she decides

My heart breaks when I try to assure them
I know it's all true that she states
She's praying there'll be other choices
But inside we both know it's too late.

Janet D. Fender
September 24, 1995

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SAFEPLAN* Massachusetts
(Assistance for Victims of Domestic Violence)
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FACT SHEET

BACKGROUND

In 1991 a state of emergency was declared for victims of domestic abuse in response to the rising number of homicides. The high rate of domestic violence continues with nearly 50,000 victims seeking protective orders in the District Courts and Probate/Family Courts of the Commonwealth each year.

Research consistently shows that the most dangerous time for a victim of abuse is immediately after receiving a protective order or attempting to leave the relationship. Recent data show that 75% of abusers against whom protective orders are issued have a prior history of crime; 50% have a prior record of VIOLENT crime. Victims seeking protection are in legitimate fear of further abuse. It is vital that victims to whom protective orders are issued receive immediate help developing a personalized safety plan. In addition, victims often need assistance with court forms, information about the legal process and referrals to community support services.

The *Guide to Domestic Violence Court Advocacy in Massachusetts* shows that 2/3 of the state's District Courts and Probate/Family Courts do not have full time specialized domestic violence advocacy services at the civil protective order stage. Both Connecticut and Rhode Island have established and funded such specialized advocacy programs to assist victims seeking protective orders in all their courts.

PROPOSAL

When fully funded, SAFEPLAN* Massachusetts will place specialized domestic violence advocates in the each District Court and Probate/Family Court of the Commonwealth when the courts are open. This program was recommended for funding in the FY 1995 and FY 1996 House 1 Budgets, the House of Representatives FY 1995 Budget and the FY 1995 and FY 1996 Supplemental Budget Request from the Governor. It was funded with \$115,000 in FY 1996 as a pilot in Hampshire County. For FY 1997, House 1 proposes to fund SAFEPLAN for \$998,120 to expand the pilot site, place advocates in the Probate and Family Courts and provide project oversight with Regional Supervisors and a Project Manager at the Massachusetts Office for Victim Assistance.

When established statewide, SAFEPLAN will consist of:

- Specialized domestic violence advocates, trained and placed in district courts and probate/family courts to assist victims seeking civil protective orders. The Massachusetts Office for Victim Assistance will contract with community based programs to fill and supervise these positions. When the project is fully funded, the advocates will ensure a statewide provision of safety planning, court assistance and community referrals for the nearly 50,000 victims of domestic violence seeking protective orders each year.
- Regional Coordinators to train SAFEPLAN Advocates and coordinate advocate coverage in their respective areas. Regional Coordinators will ensure cooperation and communication with district attorneys' offices, legal service providers, law schools and others involved with victims of domestic violence at court. They will assist in the recruitment and training of volunteers to augment the SAFEPLAN advocates.
- Statewide oversight by the Massachusetts Office for Victim Assistance (MOVA) which will be responsible for the management of contracts with community based organizations employing SAFEPLAN advocates and regional coordinators. MOVA will set performance standards and provide comprehensive training materials for all regional coordinators, court based advocates and volunteers.

SAFEPLAN Regional Coordinators Network

Massachusetts Office for Victim Assistance

100 Cambridge Street, Room 1104

Boston, MA 02202

Phone: 617-727-5200

Fax: 617-727-6552

Heidi Urich, Exec. Director

Marilee Kenney Hunt,

SAFEPLAN Coordinator

Massachusetts Coalition of Battered Women Service Groups

14 Beacon Street, Suite 507

Boston, MA 02108

Phone: 617-248-0922

Fax: 617-248-0902

Leslie Staroneck,

Public Policy Coordinator

Western SAFEPLAN Regional Coordinator

Necessities / Necesidades

16 Armory Street

Northampton, MA 01060

Phone: 413-586-1125

Fax: 413-586-3742

Gail Keilson/ Vicki Baum-Homes

Co-Directors

Direct phone line to SRC

Phone: 413-586-3613

Fax: 413-586-3742

Jane Lindfors (SRC)

Central SAFEPLAN Regional Coordinator

Battered Women's Resources, Inc.

P.O. Box 2503

Fitchburg, MA 01420

Phone: 508-342-2919

Fax: 508-343-0226

Jacqueline McEvilly, Exec. Director

Alice St. Germain (SRC)

Northeastern SAFEPLAN Regional Coordinator

Help for Abused Women & their Children (H.A.W.C.)

27 Congress St.

Salem, MA 01970

Phone: 508-744-8552

Fax: 508-745-6886

Margo Casey, Exec. Director

Pam Niland (SRC)

Metro Region SAFEPLAN Regional Coordinator

Waltham Support Committee for Battered Women

P.O. Box 24

Waltham, MA 02254

Phone: 617-891-0724

Fax: 617-891-3861

Jean Haertl, Exec. Director

Southeastern SAFEPLAN Regional Coordinator

South Shore Women's Center

225 Water Street, Suite 412

Plymouth, MA 02360

Phone: 508-746-2664

Fax: 508-747-1488

Deborah Shuffield, Exec. Director

Alice-Mary (Ali) Kleber (SRC)

CHECKLIST — WHAT YOU NEED TO TAKE WHEN YOU LEAVE

IDENTIFICATION:

- Driver's license
- Child(ren)'s birth certificate(s)
- Your birth certificate
- Social security cards (you and your children)
- Welfare identification

FINANCIAL

- Money and/or credit cards (Warning: credit cards could potentially be traced by an abuser)
- Bank books
- Checkbooks

LEGAL PAPERS

- YOUR RESTRAINING ORDER
- Lease, rental contract, house deed, rent receipts
- Car registration & insurance papers
- Medical records for you and your children
- School records
- Work permits/ Green card/ Visa
- Passport
- Marriage Certificate/ License
- Divorce papers
- Custody papers
- Any other court papers

OTHER

- House and car keys
- Safety deposit box key
- Medications
- Small valuables to pawn
- Jewelry
- Address/ phone book
- Phone card
- Pictures of you, child(ren), and your abuser
- Child(ren)'s favorite toys, blankets
- Toiletries/ diapers
- Change of clothes for you and your child(ren)
- Personal items with special meaning for you and your children
- Current unpaid bills in your name

FOR MORE INFORMATION ABOUT YOUR LEGAL RIGHTS AND OPTIONS, contact the SAFEPLAN Advocate or Victim Witness Advocate at your local court house or call the battered women's service program in your local area.

SAFEPLAN Advocates:

Northampton District Court 586-4545
 Ware District Court 967-3866
 Hampshire Probate & Family Court 585-8343
 After court hours, call the 24 hour hot-lines at either
 Necessities / Necesidades (586-5066) in Northampton or
 Womanshelter/ Compañeras (284-1628) in Palmer/ Ware.

Victim Witness Assistance Unit:

Northwestern District Attorney Elizabeth
 Scheibel's Office
 Northampton 586-5780
 Ware 967-3711

Local Battered Women's Centers:

(24 hour Hot-Line Coverage)
 Northampton Necessities / Necesidades 586-5066
 Ware Womanshelter/ Compañeras- 284-1628
 Greenfield New England Learning Center
 for Women in Transition 772-0806

National Domestic Violence Hotline

1-800-799-SAFE (7233)
 for hearing impaired 1-800-787-3224

POLICE 911

Other Important Numbers:

Western Mass Legal Services 584-4034
 or 800-639-1309
 Disabled Abuse Hotline 800-426-9009
 Elder Abuse Hotline 800-922-2275
 Everywoman's Center (Rape and Sexual Assault)
 in Amherst 545-0800

* This PERSONAL SAFETY PLAN is based on an original design by Elizabeth Dillon, Advocate, Cambridge Police Department.

SAFEPLAN MASSACHUSETTS

PERSONAL SAFETY PLAN* For Victims of Domestic Abuse

SAFEPLAN Massachusetts
 c/o Necessities / Necesidades
 16 Armory Street
 Northampton, MA 01060

Jane Lindfors, Regional Coordinator
 Phone 413-586-3613

SAFEPLAN Massachusetts

Personal Safety Plan* for Victims of Domestic Violence

I. SAFETY BEFORE AN EXPLOSIVE INCIDENT

- Practice leaving your home safely. Identify which doors, windows, elevator(s), or stairwell(s) would be best to use in an emergency.
- Have a packed bag ready and keep it at a relative's or friend's home in case you need to leave your home quickly.
- Identify one or more neighbors you can tell about the violence and ask that they call the police if they hear a disturbance coming from your home.
- Decide whether you need to leave your home and think about how to leave safely.
- Think about how to safely take your child(ren) with you if you do need to leave. Designate a "safe place" for your child(ren) where they may go if necessary (and where you will know to meet them).
- Decide and plan for where you will go if you need to leave home quickly (even if you don't think you will need to leave).
- Devise a code word to use with your children, family, friends and neighbors when you need help from the police.
- Teach your children to dial 911.

II. SAFETY DURING AN EXPLOSIVE INCIDENT

- If an argument seems unavoidable, try to have it in a room or area where you have access to an exit. Try to stay away from the bathroom, kitchen, bedroom or anywhere else where weapons might be available.
- Use your own instincts and judgement. Consider giving the abuser what he wants to calm him down. You have the right to protect yourself until you are out of danger.

- Call the person with whom you have identified a safety code word

- Tell your children to: call 911; go the designated safe place; inform the neighbors.

- Always remember — You Don't Deserve to be Hit or Threatened!

III. SAFETY WHEN PREPARING TO LEAVE

- Open a savings account and/or a credit card in your own name to increase your options. Think of other ways in which you can increase your independence.
- Leave money, an extra set of keys, copies of important documents, extra medicines and clothes with someone you trust so you can leave quickly.
- Determine who would be able to let you stay with them or lend you some money.
- Discuss a safety plan with your child(ren) for when you are not with them.
- Inform your child(ren)'s school, day care, etc., about who has permission to take your child(ren).
- If you live in a rural area, you might consider getting a dog or obtaining a device that imitates the sound of a dog barking.
- Keep the shelter or hotline phone number close at hand and keep some change or a calling card on you at all times for emergency phone calls.
- Review your safety plan as often as possible in order to plan the safest way to leave. **Remember — Leaving May Be Your Most Dangerous Time.**

IV. SAFETY WITH A RESTRAINING ORDER OR IF YOU ARE NO LONGER WITH YOUR ABUSER

- Keep your restraining order on you at all times. (When changing purses, transfer it first!) Give a photocopy of the order to a trusted neighbor or family member.
- Call the police if your batterer does something the restraining order says not to do — this is a violation

of the restraining order!

- Think of alternative ways to keep safe if the police do not respond immediately.

- Change the locks on your doors as soon as possible. Buy additional locks and safety devices to secure your windows.

- Inform family, friends, neighbors and your physician or health care provider that you have a restraining order in effect.

V. SAFETY ON THE JOB AND IN PUBLIC

- Decide who at your workplace you will tell about your situation — include office or building security. Provide a picture of your batterer if possible.

- Devise a safety plan for leaving work. Have someone escort you to your car, bus or train and wait with you until you are safely en route. Use a variety of routes home. Think about what you would do if something happened while on your way home (e.g., in your car, on the train, etc.)

VI. YOUR SAFETY AND EMOTIONAL HEALTH

- If you are thinking of returning to an abusive situation, first discuss it with someone you trust. You may want to call your local battered women's support organization.

- Try to arrange for an answering machine, caller ID, or a trusted friend or relative screen your calls.

- If you must contact your abuser, determine the safest way to do so.

- Think positively about yourself; be assertive about your needs. Read books, articles, and poems to help you feel stronger.

- Find someone whom you can call to talk freely and openly and feel supported. Again, you may want to call your local battered women's support organization

- Plan to attend a women's or victim's support group for at least 2 weeks to gain support from others and learn more about yourself and the relationship.

NEW NATIONAL DOMESTIC ABUSE HOTLINE!!

The new National Domestic Violence Hotline is toll-free and staffed 24 hours a day by trained counselors. There are 2 numbers. The second is for hearing impaired people only:

1-800-799-SAFE (7233)

1-800-787-3224

(For Hearing Impaired Services)

Emotional Clinton hails abuse hotline

'A difference to women everywhere'

REUTERS

WASHINGTON - Tears welling in his eyes, President Clinton yesterday heard a battered woman tell how she survived a hellish marriage as he opened a national telephone hotline for victims of domestic violence.

"This hotline will make a difference to women everywhere, whether they're isolated in rural areas, whether they're in big cities without enough money for a telephone call," Clinton said at a White House ceremony.

"If they are victims of domestic abuse or if they suspect that someone they know and care about is a victim of domestic abuse, they will pick up the phone and call this number."

Clinton grew up in a home wracked by domestic discord and intervened as a teen-ager after his stepfather beat up his mother, telling his stepfather Roger Clinton that he would never let him do it again.

Asked if the hotline would have helped his family, Clinton responded: "I think yes because at that time in our country's history most women were too embarrassed to talk about domestic violence."

Clinton listened as Candice Slaughter described how she was "repeatedly beaten, terrorized, tortured and sexually molested" by her

husband during six years of marriage in rural Ohio.

The computerized hotline was established with a \$1 million grant from the Health and Human Services Department. It will provide victims of domestic abuse with informa-

**'This hotline will
make a difference
... if they are
victims of abuse
... they will pick
up the phone and
call this number.'**

PRESIDENT CLINTON

tion about shelters, legal advocacy, health care centers and counseling.

The toll-free number of the hotline, staffed 24 hours a day by trained counselors, is 1-800-799-SAFE (7233). It began operating Wednesday morning and took more than 60 calls in its first few hours.

In addition to the regular hotline, there is also a toll-free number for hearing-impaired people: 1-800-787-3224.

TOOLS FOR IDENTIFYING AND TREATING ABUSED WOMEN

1. Assess all women for history and evidence of abuse

- ✓ Interview women privately
- ✓ Approach questions as routine for everyone
- ✓ Avoid potentially stigmatizing terms such as "victim," or "battered"
- ✓ Use gender-neutral language, i.e., "partner" not "boyfriend" or "husband"
- ✓ Use 2 or 3 direct questions: "Do you feel safe in your home?"
"Is anyone hurting you or making you afraid?"
"At any time, has your partner ever pushed, kicked or hit you?"
- ✓ An indirect conversational style may be more appropriate and less threatening in some instances, including questions about partner relationships, how problems are resolved or feelings about pregnancy.
- ✓ Avoid blaming questions such as, "Why haven't you left?"

2. Know clues suggestive of abuse

- ✓ Extent or type of injuries not consistent with explanation
- ✓ Injuries to the face, breasts, abdomen, genitals and central body.
- ✓ Bilateral or multiple injuries indifferent stages of healing
- ✓ Delay between occurrence of injury and seeking care
- ✓ Distant or vague responses to questions, lack of eye contact, nervous about leaving hospital or going home, defers replies to partner
- ✓ History of chronic pain or headaches without etiology
- ✓ History of premature labor or birth, or adverse pregnancy outcome such as low birth weight infant, stillbirth or abruptio placenta
- ✓ Vaginal bleeding during pregnancy
- ✓ Difficulty tolerating physical exams, startle response to rough
- ✓ Rape, sexual assault, unwanted pregnancy, teen pregnancy
- ✓ Substance abuse by women or partner
- ✓ History of suicide attempts, depression, anxiety
- ✓ Partner's aggressive, overly attentive or controlling behavior

3. Assess for risk of homicide or severe injury

- ✓ Weapons in the home
- ✓ Threats or stalking behavior
- ✓ Partner's criminal history, suicidality, substance abuse
- ✓ Change in patterns of abuse, especially in frequency and severity
- ✓ Violent or threatening response to prior attempts to leave

4. Know local referrals and resources

- ✓ Provide hotline, shelter, police, legal advocacy numbers
- ✓ Know legal statues for your state

5. Assist in formulating a safety plan for women and their children

- ✓ Keep extra clothes, keys, money, and important papers such as passport, bank book, and birth certificates in a bag at a friend's house
- ✓ Create a signal with neighbors, kids to get help
- ✓ Identify contact person
- ✓ Devise a safe plan to get away

A YOUTH SAFETY PLAN

*

ARE YOU AFRAID
AT HOME?
AT SCHOOL?
ON THE STREET?

*

YOU HAVE THE
RIGHT
TO BE SAFE!

NORFOLK COUNTY DISTRICT
ATTORNEY'S OFFICE

* IF THE ADULT OR
POLICE YOU TELL DO
NOT HELP YOU, CALL:

1. CHILD ABUSE
HOTLINE # 1-800-792-5200

2. GOVERNOR'S OFFICE
#617-727-7200

3. YOUTH HOTLINE
#617-773-HURT

NUMBERS TO CALL:

*POLICE 911

*YOUTH HOTLINE
617-773-HURT

* CHILD ABUSE HOTLINE
1-800-792-5200

*NORFOLK COUNTY
DISTRICT ATTY'S OFFICE
617-329-5440

IV. IF YOU CANNOT OR DO
NOT WANT TO CALL 911
FOR THE POLICE,

A. TELL:

1. A TEACHER
2. A MINISTER, RABBI
OR PRIEST
3. A PARENT
4. RELATIVE
5. NURSE OR DOCTOR
6. A TRUSTED ADULT

B. CALL THE YOUTH
HOTLINE AT
#617-773-HURT
(24 HOURS).

C. CALL 411 AND
ASK FOR THE
HOTLINE NEAR YOU.

I. SAFETY WHEN THERE IS FIGHTING AT HOME

A. IF YOU ARE AFRAID THAT YOU OR SOMEONE ELSE WILL BE HURT, YOU CAN CALL 911 FOR POLICE HELP.

B. TELL THE POLICE WHERE YOU ARE CALLING FROM & GIVE THE ADDRESS.

C. TELL THE POLICE WHO IS BEING HURT, AND WHO IS INVOLVED.

D. PRACTICE HOW TO GET OUT OF YOUR HOME SAFELY. THINK ABOUT WHICH DOORS, WINDOWS, OR STAIRS WOULD BE BEST.

E. THINK OF WHICH NEIGHBOR YOU CAN GO TO FOR HELP.

CALL 911 for HELP

II. SAFETY AT SCHOOL

A. IF YOU, OR SOMEONE ELSE, ARE AFRAID OF BEING HURT, TELL:

1. A TEACHER
2. SCHOOL POLICE
3. PARENT
4. SCHOOL NURSE
5. ADULT YOU TRUST
6. **CALL 911**

B. ASK YOUR SCHOOL TO HELP EACH PERSON WRITE A SAFETY PLAN.

REMEMBER: YOU HAVE THE RIGHT TO BE SAFE!

III. SAFETY ON THE STREET

A. IF YOU ARE AFRAID OF BEING HURT:

1. GO TO THE NEAREST STORE & ASK THEM TO CALL 911.

2. CALL 911 FROM A PAY PHONE.

3. IF THERE IS NOT A PHONE OR STORE NEARBY, **SCREAM AS LOUD AS YOU CAN.**

WHERE TO CALL FOR HELP...

A variety of public and private agencies in King County have developed a coordinated response network to help victims of domestic violence. Assistance can include: telephone consultations, referrals to culturally and geographically appropriate service providers and shelters, and in-service training.

The following organizations can help direct your initial inquiries:

Domestic Abuse Women's Network
DAWN (South King County)
(206) 656-4305

Eastside Domestic Violence Program
(East King County)
(206) 746-1940

New Beginnings
(Seattle)
(206) 522-9472

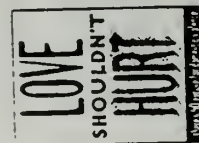
If your company would like training assistance in teaching managers and supervisors about domestic violence, please contact:

Ann Eft
Domestic Violence Program
Coordinator
King County Judicial Administration
(206) 296-7864

DOMESTIC
VIOLENCE
DOESN'T STAY
AT HOME

IT ALSO
GOES TO
WORK

DOMESTIC
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WORK.



This brochure is a joint project of the King County Domestic Violence Public Education Campaign and a project team of the 1994 Class of Leadership Tomorrow.

A Guide For
The Employer

WORKPLACE WARNING SIGNS...

Warning signs may be indicative of various problems, but some indicators that an employee may be a victim of domestic violence include:

- unexplained bruises
- lack of concentration
- change in performance or attitude
- increased or unexplained absences
- receipt of harassing telephone calls
- disruptive personal visits to the workplace
- depression and anxiety

WHAT YOUR COMPANY CAN DO....

Establish policies and procedures to address domestic violence. Not only is domestic violence a problem for an individual employee, it can also result in threats to workplace security.

When developing a company policy, it is important to understand that federal, state and local laws governing the workplace often restrict employers from making certain inquiries about the health or home life of their employees. This does not mean employers should ignore signs of possible domestic abuse. In some cases, it is appropriate for the manager to make work-related inquiries. A company should always take prompt steps to ensure the safety of its employees.

Domestic violence is the use of physical, sexual, emotional and/or psychological coercion to establish and maintain control over a partner.

Domestic violence is on the rise in King County and throughout the region. There are at least 4 million reported incidents of domestic violence in the U.S. each year. Many more cases go unreported.

In this country, a woman is more likely to be assaulted, injured, raped or killed by an intimate partner than by any other type of assailant. More than 50% of men who batter women also abuse their children. Abuse and violent behavior are often passed from one generation to the next.

Domestic violence victims and batterers are of all races, ages, educational backgrounds and income groups. Your own employees could be victims of domestic violence.

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DOMESTIC VIOLENCE DOESN'T STAY AT HOME... IT ALSO GOES TO WORK.

When an employee is a victim of domestic violence, the workplace could be impacted by increased sick leave, reduced productivity, increased medical expenses, employee turnover and increased safety risks.

Employers need to be aware of the realities and issues of domestic violence and develop methods to address these issues when they arise.

WHAT MANAGERS AND SUPERVISORS CAN DO...

- ✓ Participate in training on domestic violence issues and be aware of your company's policies regarding involvement.
- ✓ Be aware of visible warning signs.
- ✓ If you observe warning signs, let the person know you notice a problem and are concerned.
- ✓ Once a dialogue has been established, ask what assistance (if any) would be most useful to the employee. The person may not want the employer to take any action, or may have some specific requests, such as help to arrange time off for court appearances, security escorts to his or her car, not transferring calls from the abuser, etc.
- ✓ Don't allow the situation to be a topic of office gossip.
- ✓ If an employee confides in you, don't tell the person what to do or make judgments or assumptions regarding the particular situation. Trained professionals are best equipped to counsel employees in non-work-related issues.
- ✓ Don't ask the employee why she or he won't leave the relationship. Each situation is different. Reasons for staying or leaving are complex and varied.
- ✓ Get help from Human Resources, Personnel or other designated individuals in your company. In some cases, it may be appropriate to direct the employee to your company's Employee Assistance Program, or to one of the listed community resources.

WARNING SIGNS OF AN ABUSIVE RELATIONSHIP:

- Does he/she insist on having control over your life, thoughts and behavior?
- Does he/she intimidate you by yelling or by threatening to withdraw his/her love or to leave you if you do not do as he/she wishes?
- Does he/she switch from charm to anger without warning?
- Does he/she project the blame for all his/her failures and shortcomings onto you?
- Is he/she extremely jealous and possessive?
- Does he/she force you to participate in sexual acts that are unpleasant to you?
- Does he/she humiliate you in front of others?
- Is he/she charming in public, but becomes a different person in private?
- Is he/she in competition with important people in your life for your attention?
- Does he/she frighten you into submission by threats of physical violence?
- Does he/she isolate you from your family and friends?
- Does he/she break your possessions, throw objects, or hit objects?
- Is he/she hypersensitive and easily upset by annoyances that are part of daily life?
- Does he/she have a past history of abuse?

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DOMESTIC VIOLENCE RESOURCES NUMBERS:

WINCHESTER POLICE DEPARTMENT

- For Emergencies dial 729-1212

HOTLINES, Open 24 hours Information on a confidential basis

Support Committee for Battered Women:
1-800-899-400

Rape Crisis Services
1-800-542-5212

ABUSER TREATMENT PROGRAMS

Emerge
617-442-1550

VICTIM WITNESS PROGRAM

Woburn District Court; District Attorney's
Victim/Witness Advocate
617-933-9586
617-494-4232 (Spanish speaking)

4th District Court of
Eastern Middlesex
Pleasant Street, Woburn
617-935-4000

Middlesex Probate Court
617-494-4563

WINCHESTER POLICE DEPARTMENT
JOSEPH N. PERRITANO
CHIEF OF POLICE



**EVERYONE HAS
THE RIGHT
TO BE SAFE
AT HOME**

**INFORMATION ABOUT
THE ABUSE PREVENTION LAW**

HOW TO REQUEST AN ABUSE PREVENTION ORDER:

You must go to the Clerk's Office at the District Court, Superior Court or Probate Court having jurisdiction over where you live or where the abuse occurred. You should tell the clerk that you wish to file a petition for an **Abuse Prevention Order** or **209A Petition**. You may be asked to complete a form or to write a statement describing why you are requesting an Abuse Prevention Order. *In case of an emergency, when the courts are closed or you are unable to get there, contact the Winchester Police Department at 729-1212 for Emergencies or 729-1214 for non-emergency calls.*

OBTAINING THE ORDER:

The Temporary Order: After you have completed the application forms, you will go before a judge and explain why you need the order. At this time the judge can only issue a Temporary Order valid for up to ten days. A court date will be set within 10 days, and the judge will decide whether or not to extend the order. Both parties have a right to be at this hearing. *Make sure you obtain and keep a copy of the order.* (If the order is obtained at the police station this process may vary.)

Serving the Order: The Police are responsible for serving the abuser with the order. Any information that you can provide relative to the location of the abuser is of great help.

WHAT AN ORDER CAN COVER:

- **A Restraining Order:** an order from the Court that orders the abuser not to hurt you, not attempt to hurt you nor threaten you
- **A Vacate Order:** if you and the abuser share the same residence, the abuser is ordered to leave the residence. This may be ordered regardless of who owns or pays rent of the residence.
- **A Temporary Custody Order:** if you are a parent, the Court may order that you have temporary custody of any minor children and prohibits the abuser from taking custody. *Visitation rights can only be ordered by the Probate Court.*
- **A Temporary Support Order:** if the abuser is a parent, the Court may order child support payments be made for the child or children remaining in your care. If you are married, the Court may order the abusing spouse to pay living expenses.
- **A Money Compensation Order:** This may be ordered to repay you for expenses incurred as a result of the abuse, such as medical expenses or lost wages.
- **Additional Orders:** if you need any other specific orders, (for example: for the abuser to stay away from work, have no contact with you, return house keys, return property, etc.) you may request that the Court include them in your order.

There is NO COST to obtain an Abuse Prevention Order

THE POLICE DEPARTMENT WILL:

- Use all reasonable means to prevent further harm.
- Remain on scene as long as you are in physical danger and/or arrange to take you to a place you feel safe.
- Assist you in obtaining medical treatment.
- Give you a copy of the 209A Law explaining your rights.

WHO THE ABUSE PREVENTION ORDER CAN COVER:

- A spouse or ex-spouse
- A person related by blood or marriage
- Any person living in your household or a former household member.
- Parent of your minor children.
- A person that you are having or had a substantial dating relationship with.
- A person with whom you have a child in common.

SEPARATION VIOLENCE

by Barbara Hart, Pennsylvania Coalition Against Domestic Violence

Many, perhaps most, people believe that battered women will be safe once they separate from the batterer. They also believe that women are free to leave abusers at any time. However, leaving does not usually put an end to the violence. Batterers may, in fact, escalate their violence to coerce a battered woman into reconciliation or to retaliate for the battered woman's perceived rejection or abandonment of the batterer. Men, who believe they are entitled to a relationship with a battered woman or that they "own" their female partners, view women's departure as an ultimate betrayal which justifies retaliation. (Saunders & Browne, 1990; Dutton, 1988; Bernard et al, 1982)

Evidence of the gravity of *separation violence* is overwhelming.

- Up to 3/4 of domestic assaults reported to law enforcement agencies were inflicted after separation of the couples. (U.S. Department of Justice, 1983)
- One study reveals that 73% of the battered women seeking emergency medical services sustained injuries after leaving the batterer. (Stark et al, 1981)
- In a study of women seeking divorce in Philadelphia in 1986, 11% of the women reported that they were assaulted during separation even though they had not been abused during co-habitation. Thirty-two-point-six percent (32.6%) of the women said that they were fearful during negotiations for child custody, about 22% stated they were fearful of retaliatory violence during negotiations for child support and 27.7% were fearful during negotiations for property. Thirteen percent (13%) of the women in the study stated that they gave up legal rights because of their fear of retaliatory violence. (Kurz & Coughy, 1989)
- Almost 1/4 of the women killed by their male partners in one study in Philadelphia and Chicago were separated or divorced from the men who killed them. Twenty-eight-point-six (28.6%) of the women were attempting to end the relationship when they were killed. (Casanave and Zahn, 1986) In one study of spousal homicide, over half of the male defendants were separated from their victims. (Bernard et al, 1982)
- Women are most likely to be murdered when attempting to report abuse or to leave an abusive relationship. (Sonkin et al, 1985; Browne, 1987)

Because leaving may be dangerous — dangerous from the point that the batterer learns that the relationship may end through several years after separation — does not

mean that the battered woman should stay. Cohabiting with the batterer is highly dangerous both as violence usually increased in frequency and severity and over time as a battered may engage in the preemptive strikes, fearing abandonment or anticipating separation even before the battered woman reaches such a decision. Although leaving may pose additional hazards, at least in the short run, the research data and our experience as advocates for battered women demonstrates that ultimately a battered woman can best achieve safety and freedom apart from the batterer.

Leaving will require strategic planning and legal intervention to avert *separation violence* and to safeguard victims and their children. Law enforcement advocates, and battered women must work in partnership to assure that the separation process is safeguarded against batterer violence.

THE LONG TERM EFFECTS OF DOMESTIC VIOLENCE

The long term effects of domestic violence have not begun to be fully documented. Battered women suffer physical and mental problems as a result of domestic violence. Battering is the single major cause of injury to women, more significant than auto accidents, rapes, or muggings. (O'Reilly, 1993) In fact, the emotional and psychological abuse inflicted by batterers may be more costly to treat in the short run than physical injury. (Straus, 1987) Many of the physical injuries sustained by women seem to cause medical difficulties as women grow older. Arthritis, hypertension and heart disease have been identified by battered women as directly caused or aggravated by domestic violence early in their adult lives. (Corrao, 1985)

Battered women lose their jobs because of absenteeism due to illness as a result of the violence. Absences occasioned by court appearances also jeopardize women's livelihoods. Battered women may have to move many times to avoid violence. Moving is costly and can interfere with continuity of employment.

Battered women often lose family and friends as a result of the battering. First, the batterer isolates them from family and friends. Battered women then become embarrassed by the abuse inflicted upon them and withdraw from support persons to

avoid embarrassment.

Some battered women have lost their religious communities when separating from abusers because religious doctrine prohibits separation or divorce whatever the severity of abuse.

Many battered women have had to forgo financial security during divorce proceedings to avoid further abuse. (Kurz & Doughey, 1989) As a result, they are impoverished as they grow older. (Marshall & Sisson, 1987)

One-third of the children who witness the battering of their mothers demonstrate significant behavioral and/or emotional problems, including psychosomatic disorders, stuttering, anxiety and fears, sleep disruption, excessive crying and school problems. (Jaffe et al, 1990; Hilberman & Munson, 1977-8)

The boys who witness their fathers' abuse of their mothers are more likely to inflict severe violence as adults. (Hotaling & Sugarman, 1986) Data suggest that girls who witness maternal abuse may tolerate abuse as adults more than girls who do not. (Hotaling and Sugarman, 1986) These negative effects may be diminished if the child benefits from intervention by the law and domestic violence programs. (Giles-Sims, 1985)

The long term effects of child sexual abuse include "depression and self-destructive behavior, anger and hostility, poor self-esteem, feelings of isolation and stigma, difficulty in trusting others (especially men), marital and relationship problems, and a tendency toward revictimization." (Finkelhor & Brown, 1988) Other effects identified include runaway behavior, hysterical seizures, compulsive rituals, drug and school problems. (Conte, 1988)

ASSESSING WHETHER BATTERERS WILL KILL

Some batterers are life-endangering. While it is true that all batterers are dangerous, some are more likely to kill than others and some are more likely to kill at specific times. Regardless of whether there is a protection from abuse order in effect, officers should evaluate whether an assailant is likely to kill his* partner or other family members and/or police personnel and take appropriate action.

Assessment is tricky and never full-proof. It is important to conduct an assessment at every call, no matter how many times an officer has responded to the same household. The dispatcher and responding officer can utilize the indicators described below in making an assessment of the batterer's potential to kill. Considering these factors may or may not reveal actual potential for homicidal assault. But, the likelihood of a homicide is greater when these factors are present. The greater the number of indicators that the batterer demonstrates or the greater the intensity of indicators, the greater the likelihood of a life-threatening attack.

Use all of the information you have about the batterer, current as well as past incident information. A thorough investigation at the scene will provide much of the information necessary to make this assessment. However, law enforcement will not obtain reliable information from an interview conducted with the victim and perpetrator together or from the batterer alone.

1. Threats of homicide or suicide.

The batterer who has threatened to kill himself, his partner, the children or her relatives must be considered extremely dangerous.

2. Fantasies of homicide or suicide.

The more the batterer has developed a fantasy about who, how, when, and/or where to kill, the more dangerous he may be. The batterer who has previously acted out part of a homicide or suicide fantasy may be invested in killing as a viable "solution" to his problems. As in suicide assessment, the more detailed the plan and the more available the method, the greater the risk.

3. Weapons.

Where a batterer possesses weapons and has used them or has threatened to use them in the past in his assaults on the battered woman, the children or himself, his access to those weapons increases his potential for lethal assault. The use of guns is a strong predictor of homicide. If a batterer has a history of arson or the threat of arson, fire should be considered a weapon.

* We have assumed that the victim is a woman and the abuser is a man. It may be that the victim is a man and the abuser a woman or that the abuser and the victim are the of the same sex. Assessment is basically the same despite these gender differences. The only additional indicator to be assessed in a lesbian or gay relationship is whether the abuser has been firmly closeted and is now risking exposure as a lesbian or gay person in order to facilitate their severe, life-threatening attacks. When a person has been desperately closeted, losing the protection of invisibility in order to abuse potentially suggests great desperation and should be included in the assessment.

Dangers in leaving. Many battered women believe that leaving is not necessarily going to make her life or the life of her children safer. Many battered women killed by their partners are killed *after* they have left or separated. (Casanave & Zahn, 1986; Browne & Williams, 1989 & 1987) Leaving, itself, may be a dangerous process. Many batterers, in fact, escalate their violence to coerce a battered woman into reconciliation or to retaliate for the battered woman's departure. (Please see the section on Separation Violence on page 4 of this manual.) Leaving requires strategic planning and comprehensive legal intervention to safeguard victims and their children.

Economic autonomy. But battered women do leave. The most likely predictor of whether a battered woman will permanently separate from her abuser is whether she has the economic resources to survive without him. Therefore, it is incredibly important that battered women obtain support awards in protection orders and are referred to battered women's programs where they can learn about other economic supports, job training and employment opportunities. (Gondolf, 1988; Okun, 1986)

Leaving is a process. Most battered women leave and return several times before permanently separating from the batterer. Leaving is a process. The first time a battered woman leaves may be a test to see whether he will actually get some help to stop his terrorism. When he is violent again, she may leave to gain more information about resources available to her. She may then reconcile and begin to get some economic and educational resources together in case she decides that she must later leave. She may next leave to try to break out of the isolation in which the batterer has virtually imprisoned her. Most battered women eventually leave. (Okun, 1986)

When friends, family and helping agencies, such as police, shelters, clergy, courts, medical personnel, educators and therapists, lend substantial and concerted efforts to assist battered women in the leaving process, battered women are more likely to leave and secure protection for themselves and their children. Therefore, when battered women stay, we as a community should look to see what we are doing to hinder the leaving process and then make changes to facilitate leaving and ultimate safety.

Leaving must be done in a way that does not further jeopardize the victim's safety. It is important for law enforcement personnel to refer victims to domestic violence programs to develop plans for safe leave-taking.

Barbara J. Hart, Esq.
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RISK ASSESSMENT*

SAMPLE ANSWERS

QUESTION	MEDIUM RISK	HIGH RISK	EXTREME RISK
1. Does the batterer have a gun or a knife? Has the batterer ever used it on you or others?	"No"	"He has a hunting rifle, but he's never threatened me with it."	"Yes. He's threatened me with a gun." He was arrested once for cutting someone."
2. Has the batterer ever been arrested before? Is the batterer afraid of police and the courts?	"No previous arrests; he's scared of the cops."	"Police came once but they didn't do anything."	He's been arrested on other assault charges. Police just make him madder." "Once he attacked me in front of the judge."
3. Has the batterer tried to control your life in other ways and isolate you from friends and family?	"Not really; we mostly just go our own ways."	"He always notices if I'm home late and is very jealous." He doesn't like my friends coming here.	"Ever since we moved away from my family, he's like my prison guard." "He's insanely jealous and imagines the most bizarre things; he even keeps tabs on the mileage on my car."
4. Has the batterer hurt your children? (This only assesses risk to the children, not the woman; some abusers are dangerous to their partner but never touch the children).	"He's never laid a hand on the kids."	"He hasn't so far, but I can see it coming; he's started threatening." "He really hurt the dog once; that made me worry about the kids."	"He forces my daughter to let him touch her." "He threatens he'll hurt the kids if I ever leave him." "He beats us both."
5. Has the batterer threatened you if you try to leave him?	"He hasn't made any threats; in fact once he locked me out and told me to leave."	"He said he's get even if I ever left...I'm not sure what " him. he meant."	"He said I could never hide from He'd track me down some-how. I really believe he'd do it."
6. Have you ever tried to leave? What happened?	"He didn't seem to care. In fact I think he was glad to have us out of his hair."	"I went to my mother's; he kept calling and begging for one more chance." "He went to my apartment and tore up some of my clothes."	He came after me and beat me worse than ever." He attacked the person I was staying with. I can't figure how he even found me."

* From *For Shelter and Beyond*, Second Edition, 1990

RISK ASSESSMENT, CONTINUED

SAMPLE ANSWERS

QUESTION	MEDIUM RISK	HIGH RISK	EXTREME RISK
7. Does the batterer have extra resources at his command to help find you if you leave?	"Not that I know of. I don't think he'd bother anyway."	"He's got a friend who's a cop; I don't know if he's talk to him about me." "Our town's so small, everyone know each other's business."	"He's a cop." "He's high up in social services and real tied in with the city government." "He's my pimp and he's real tight with the Mafia." "I don't have my Green Card and he's said he'll turn me in."
8. Does the batterer know your routine?	"I've only dated him a short time; he doesn't know where I work or where the kids go to school."	"He knows where I work, but I've requested a transfer."	"We've lived together fifteen years; he knows everything there is to know." "I'm blind and my abuser knows all the local readers and everyone who works for the van services."
9. Does the batterer ask you to engage in sexual acts you don't feel comfortable with?	"He pressures me for sex and might take a fit if I say no, but he never forces me."	"He changes when we have sex. He gets real aggressive and violent."	He's constantly looking at pornography and renting dirty movies. He's very violent when we have sex. He mostly rapes me." He makes me perform "sexual acts in front of others."
10. Does the batterer drink or do drugs? (Alcohol and drugs alone do not cause violence, but they can worsen a bad situation.)	"He doesn't really drink much."	"He uses being drunk as an excuse to beat me up. He says doesn't know what he's doing."	"He's addicted to crack and it's making him paranoid." "He'll do anything to get a fix; he's sold everything we have."
11. Does the batterer seem suicidal? (Most suicidal people are not violent toward other people. However, suicidal batterers sometimes kill other family members before turning the weapon on themselves.)	"He's never mentioned it."	"He's said he can't live without me and that he'd kill himself if I ever left."	"He's talked in great detail about suicide, but then he'll say he's not going out without taking me with him." "Once he forced me to play this sick Russian roulette game with him."
12. Does the batterer seem crazy to you? (Mentally ill people are not more likely than "normal" people to be violent. However, violent people who lose their sense of realistic consequences may become very dangerous.)	"He's normal, if you can call anybody who abuses his family normal."	"He's really changing; he's getting more withdrawn and skipping work and becoming obsessed with hanging around me."	"He's really lost it; he says 'I'm Satan and must be stopped'."

ASSESSING RISK*

Cathy Barber

Much of your work... is to help women make plans to escape the batterer's violence. Every plan must include an assessment of how much danger the woman will be in if she tries to leave and what precautions she should take. One of the most common questions asked about battered women is "Why don't they just leave?" But leaving does not ensure safety. In some cases it can expose the woman to greater danger. In a Massachusetts study of 66 women who were murdered by their partners, half were killed by ex-partners or by boyfriends with whom they were trying to break up.

Some women can leave and never be troubled by their batterer again; others must go to the extreme of moving across country and changing their identity. Most battered women fall somewhere in between. The [Risk Assessment] chart...lists questions and categorizes sample responses according to the level of risk they

represent; medium, high, and extreme. Use the questions to help a woman make plans; but remember, the battered woman herself is usually the best authority on her partner's violence.

Medium Risk

Women in this category believe that their batterers are not likely to pursue them if they leave. This is hard to predict, and it is always possible that the woman's leaving will trigger a violent response by the batterer, so remember to stay cautious. Women at medium risk are often able to use their state's domestic violence laws with success. Laws vary from state to state, but most have provisions to order the batterer to stop the abuse, stay away from the woman, and/or move out of the home. If the batterer is intimidated by court orders, this may help protect the woman. If she is unsure how the batterer will react, she may want to stay at a friend's home or a hotel for a while. If the woman has no money and

no friends with whom to stay, she may need to stay in a shelter. She and her children may be able to continue their normal routine. However, she should instruct her children's school or caretakers not to release the children to the abuser.

High Risk

Batterers in this category are unpredictable. It's always safest to assume the worst. Women who hope to be safe with court orders or by filing charges should be warned that, while useful, court orders are only pieces of paper. If police enforcement in your area is poor, you might ask her to consider taking other safety measures, such as staying at a confidential location temporarily, transferring their children to a different school, taking a leave from work, or warning the neighbors to call the police if they see the abuser. It might not be safe for her to stay with someone whom the abuser knows. If she comes to your shelter, warn her not to leave any evidence of

where she's going.

Extreme Risk

Working with women in this category is very difficult but critical because we can actually help save lives. Batterers who are extreme risks are those who are determined to pursue the woman, who have many resources at their disposal, and who are obsessed with controlling the woman's life.

Batterers have found women through tracing their phone numbers, utility bills, social security numbers and post office boxes. They have sent female friends into shelters to seek their partner. They have bribed police and broken into social service offices to look up shelter addresses. They have manipulated their lawyers into reading confidential court records which list the woman's address. If you are new, do not handle calls like these alone. It is helpful to have a more experienced person brainstorm with you.

Here are some guidelines:

1. A woman at extreme risk

should only pursue legal options if she is also in a safe, confidential location and receives protection going to and from the courthouse when the abuser is there [or might know she was going at that time].

2. If she or her children follow any aspect of their old routine, they are at risk (e.g. showing up at her regular hair appointment or collecting her check at the usual time.)
3. A woman who is closely guarded by her batterer may need help brainstorming an escape plan. Under no circumstances should you go alone to "rescue" a woman from her house.
4. She should not stay with a friend or relative whom the abuser knows. The abuser will soon be on their doorstep.
5. It may not be safe for the woman to come to your shelter. If the batterer has extra resources, as in the case of a local police chief, [the abused woman] will need to go where he has no contacts, for example to a shelter or out of state. Traveler's Aid or a religious or civic charity may donate emergency

travel money to get her to safety. Find out which agencies in your area will give money immediately, without imposing a sometimes dangerous one or two day delay.

6. Be careful when keeping your records. Bear in mind that the batterer may break into your shelter seeking information or may get a court to subpoena your records. It's safest not to leave any information in the record that could help an abuser find a woman.

"Now how do I find an excuse to leave our house at six in the morning to catch a flight without my abuser getting suspicious? I told him that I realized how poor a wife I was and that I wanted to go to daily mass for guidance from God.

I established a pattern of leaving at six in the morning and not being expected back until seven. I went to mass Monday, I went to mass Tuesday and Wednesday. On Thursday I kissed him good-bye as usual, said I am going to

* From *For Shelter and Beyond*, Second Edition, 1990.

Mandatory Arrest: Issues to Consider

Compiled by Marilee Kenney Hunt
from materials presented at the National College of District Attorney's Conference
San Francisco, California, October, 1995

In Oregon, there was a 10% drop in domestic homicides following enactment of mandatory arrest laws for protection order violations.

Annette Jolin, Chair, Police Internal Investigative Audit Committee, Portland, Oregon
U.S. Attorney General's Task Force on Family Violence, *Final Report* (1984)

Domestic Violence homicides represent the greatest opportunity for homicide prevention by the police.

Chief Reuben Greenberg, Charleston, South Carolina Police Department (1987)

In 1984, we had 9 domestic homicides. In 1985, we started P.R.I.D.E. (Police Response to Incidents of Domestic Emergency), our arrest and court mandated counseling policy. In that year, we had 7 domestic homicides. In 1986, we were down to 4. In 1987, we had 3. In 1988, we had 2.

Marvin Evans, P.R.I.D.E. Coordinator, Newport News, Virginia Police Department (1989)

An affirmative arrest policy in domestic violence can help to reduce both repeat calls and the potential for municipal liability.

Chief Sam Baca, Albuquerque, New Mexico Police Department (8987)

The percentage of repeat violence over 6 months for each police action: arrest resulted in 10% recidivism; advising the suspect resulted in 19% recidivism; sending the suspect away resulted in 24% recidivism.

The Specific Deterrent Effects of Arrest for Domestic Assault, Lawrence W. Sherman and Richard A. Berk (1982)

It was such an extreme experience having actually been arrested and dealt with rather harshly that I sought help. A former abuser

He would have stopped the violence long before if the police had arrested him in the beginning. In the beginning, he was afraid of the police. He was afraid of going to jail and losing his job. But when he saw that the police were not going to touch him, he came right back and the violence got worse, and he got bolder. A victim

Consistent with state law, the chief executive of every law enforcement agency should establish arrest as the preferred response in cases of family violence.

U.S. Attorney General's Task Force on Family Violence, *Final Report* (1984)

Police Research on the Effectiveness of Arrest in Preventing Violence

- A. An experiment was conducted in Minneapolis, MN. in 1982. Some findings were:
1. The following is based on police data for the 6 months after the initial call:
 - a. When the suspect was sent away, the call back recidivism was 24%.
 - b. When advice was offered to the abuser, the callback recidivism was 19%.
 - c. When a misdemeanor arrest was made, the callback recidivism was 10%.
 2. The following is based on interviews with the victims:
 - a. When the suspect was sent away, violence reoccurred in 35% of the cases.
 - b. When the suspect was arrested, violence reoccurred in 26% of the cases.
 - c. When the suspect was arrested and the officer made an effort to both listen to the victim's concerns and explain the options available to her, violence reoccurred in 9% of the cases
- B. The Omaha Replication Study was a test of the Minneapolis findings. Their findings, and the subsequent policy changes are listed below:
1. When the suspect was on the scene and arrested for a misdemeanor assault, there was:
 - a. No significant deterrence from future domestic assaults when compared to suspects who were separated or counseled.
 - b. No greater risk of repeated violence to the victim when compared to suspects who were separated or counseled.
 2. **When the suspect was not on the scene, those victims whose cases received police initiated warrants were less likely to become victims of future domestic violence when compared to victims whose cases received no police initiated warrants. The non-warrant suspects were twice as likely to be subsequently arrested for an offense against victims than the suspects who were issued warrants.**

As a result of this experiment, "the Omaha Police Division will amend current policy regarding domestic violence cases.

Arrests shall be made at domestic violence scenes when the police officer establishes probable cause exists that a crime has been committed.

The Police Division shall work with the County Court system to develop a plan to continue the "system initiated" warrants for domestic violence suspects who are gone when the police arrive. This plan removes the suspect's avenue to escape the legal consequences of the illegal assaultive behavior. Also, this policy alleviates a victim's financial and emotional burden of seeking a warrant and places the burden with the state, an entity with a demonstrated capability of handling the issue."

Press release, September 9, 1989

For further information contact Lt. Terry Campbell, Research and Planning Omaha Police Division, (402) 444-5774. A copy of the report may be obtained from the National Criminal Justice Reference Service, 1-800-851-3420

A COMPARISON OF FAMILY HOMICIDES BEFORE & AFTER IMPLEMENTING PRO-ARREST POLICIES

Newport News, VA		Albuquerque, N.M.		Nashville, TN	
Family Homicides		Family Homicides		Family Homicides	
Date	# of Homicides	Date	# of Homicides	Date	# of Homicides
1984	9	1985	13	1990	25
1985*	7	1986**	10	1991	23
1986	4	1987	6	1992	24
1987	3	1988	9	1993	25
1988	2			1994***	15
				1995	6

*Newport News began its pro-arrest policy in 1985

**Albuquerque began its pro-arrest policy in 1986

***Nashville implemented a pro-arrest policy with extensive investigation in July of 1994

Recidivism and Danger to the Police Officer

We know that episodes of Domestic Violence usually become increasingly more dangerous to the victim as the relationship continues. Therefore, it stands to reason that this corollary will follow:

Police officers face increasing danger each time they respond to a "domestic" calls at a particular location.

Pro-Arrest is a safety measure for responding officers as well as victims. A study in Duluth, Michigan gave the following results comparing "repeat" domestic calls, arrests and officer injuries:

1980, Prior to the Pro-Arrest Policy:

% Repeat Calls	# Arrests	# Legal Sanctions	# Officers Injured While Responding
85% of all calls to the department	27	3	15

1984, After the Pro-Arrest Policy:

% Repeat Calls	# Arrests	# Legal Sanctions	# Officers Injured While Responding
20% of all calls to the department	175	0	2

A 1973 study in Kansas City, MO, showed that 90% of domestic violence victims arriving at court had called the police at least once. Fifty-percent (50%) of those victims had called the police 5 times or more.

San Diego in 1988 reported that the average domestic violence victim has called the police 8 times.

In Nashville, TN, 70% of the police department's tactical events have been domestic violence related.

The Coordinated Community Response

Advocates for victims of domestic abuse have for many years stressed the necessity of a "Coordinated Community Response." This response should strive for:

- early case identification;
- prompt access to information (for both victims and incident responders);
- policies and protocols which designate a high priority to domestic violence crimes;
- strong prevention initiatives;
- professional, informed advocacy services at every point where a victim might enter the domestic violence protective "system,"
- high priority response to adult and children domestic violence victims immediately upon their entry into the protective system,
- designated personnel within local and state agencies to serve as primary contacts and to facilitate effective protocols,
- interagency or coordinating councils to strengthen the community's ability to mobilize and increase the effectiveness of service providers and resources.

The Coordinated Community Response Checklist:

- A. Law enforcement agencies
- B. District Attorneys' Offices / Victim Witness personnel
- C. Local battered women's advocacy groups
- D. Court personnel
- E. Legal service agencies (and/or law school battered women's advocacy projects)
- F. Corrections department
- G. Probation department
- H. Batterers' intervention providers
- I. Health care and mental health care providers (including individual practitioners, clinics, hospitals and visiting nurses' associations)
- J. Clergy
- K. Education/ Child care facilities
- L. Other

The Boston Globe

WEDNESDAY, MARCH 20, 1996

Case of freed trooper stirs question of danger hearings

By John Miline
GLOBE STAFF

When a Cambridge judge on Monday refused to hold a hearing on the dangerousness of a state trooper accused of attempted murder of his girlfriend, he declined to use a law designed to protect the public from defendants deemed to be a "threat to society," prosecutors said yesterday.

Without holding such a hearing, in which prosecutors can present evidence that a defendant presents a danger if released pending trial, District Court Judge Jonathan Brandt set bail at \$1,500. The trooper, Thomas A. Downs 3d of Cambridge, made bail and was freed.

Had the prosecution convinced the judge that Downs posed a danger, Downs could have been jailed until his trial. Prosecutors said they would have argued that Downs attempted to visit his alleged victim in the hospital while wearing his service pistol proved his dangerousness.

When bail reform became law in 1992, allowing judges to hold defendants based on their perceived dangerousness, supporters such as Gov. William F. Weld said it would stop suspects in domestic-violence cases from returning and inflicting further harm on victims.

But prosecutors say judges do not hold dangerousness hearings enough.

"Some judges feel they're too long and drawn out, and they discourage them," said one senior prosecutor, who asked not to be named in the newspaper.

Jill Reilly, a spokeswoman for Middlesex County District Attorney Thomas F. Reilly, agreed. "There is reluctance from the court to go forward," she said, "even in domestic-violence cases."

Other lawyers, including domes-

tic-violence specialists who expressed surprise at the low bail, said Brandt may have had little choice because Downs is a veteran police officer without a criminal record.

Still, prosecutors said the case seemed a natural for the dangerousness statute. Prosecutors say Downs, 40, eluded Deborah Ewing, 28, Saturday while off-duty and left her for dead in her Cambridge apartment. The woman recovered at Mount Auburn Hospital and identified Downs as her attacker, said Jill Reilly.

On Sunday, Downs was arrested in front of the hospital. He was charged with attempted murder, assault and battery with a dangerous weapon, and assault and battery.

Downs has denied the charges, saying he went to Ewing's apartment because he was worried about her, and found her unconscious.

Despite Assistant District Attorney Gerard A. Butler's argument that the hospital visit was evidence of dangerousness, Brandt declined to hold the "threat to society" hearing. He ordered Downs, a former Registry of Motor Vehicles officer who joined the State Police when the agencies merged, to stay away from the victim and surrender firearms.

Brandt could not be reached for comment yesterday.

"You've already got two strikes against this defendant. Do you want to wait for the third, when she's dead?" said Lawrence W. Sherman, a University of Maryland professor who has written extensively on do-



WGLT-TV PHOTO

THOMAS A. DOWNS 3D
Freed on \$1,500 bail

estic-violence issues.

"The dangerousness hearing was designed to address this type of situation," said Phyllis Goldfarb, a professor of criminal law at Boston College Law School.

The law requires consideration of the offense and the defendant's record. Abbie Smith, deputy director of Harvard University's Criminal Law Institute, said, "The fact that this is a first offense, coupled with the fact that he's a police officer, could be a reasonable basis for bail."

City Councilor Katherine Trantullou, who sponsored an ordinance declaring Cambridge a domestic violence-free zone, said: "I certainly feel for the woman, because this will keep her in fear. But I don't know that the decision was so unusual."

Joyce Williams-Mitchell, executive director of the Massachusetts Coalition of Battered Women's Advocacy Groups, said this was the second time in six months a police officer has been accused of serious domestic violence. Last October, Brockton Officer Curtis Wilson, 42, killed his wife, Cheryl Wilson, 34, and committed suicide, police said. His guns had been taken away, then returned to him at his wife's request.

The Boston Globe

FRIDAY, FEBRUARY 23, 1996

For homeless women, no defenses

By Doreen Ludica Vigue
GLOBE STAFF

When they found her lying in a heap of dirty blankets under a highway overpass, Karen Davis weighed 65 pounds, had a shattered hip and second-degree burns on her arms.

Davis, 36, would not know what had happened to her until she came out of a vodka-induced stupor several days later. She had to be told she was burned. She had to be told that the man she loved tried to kill her that October evening.

Then Davis slipped into another sort of stupor — one of denial and desperation. Now in a detoxification program where she is recovering from her physical and emotional wounds, Davis is trying to come to terms with living on her own.

"There's still a lot of sorting out I need to do," Davis wrote in a note she sent through her caregivers. "At this time, I'm just trying to get back on my feet."

Like it was for Davis, violence is a way of life for many people who live on the streets of Boston, advocates said. Homeless women are the most susceptible, often being assaulted, raped and forced to sell their bodies by the men they had hoped would save them.

"Homeless women have to have a guy to protect them, even if he is hitting and beating them," said Sarah Biel, a Norfolk County assistant district attorney who specializes in family violence. They fear that they will

trust, or get killed by strangers."

The case of Karen Davis is a striking look into the world that homeless women navigate. But she was luckier than some. Davis survived the attack. Her abuser was punished, if barely.

Still, advocates said her case would not have resulted in an arrest were it not for two State Police investigators who decided her life was worth their time.

"Some people would look at this case and think, 'It's just the homeless. Who cares?'" said Sgt. Kevin McMahon, who is assigned to the state fire marshal's office. "Karen Davis was a lot of things, but she's still a human being."

McMahon was the one who determined that the fire that injured Davis was set deliberately. Trooper Mark Burke tracked down and arrested her companion, 42-year-old Reginald Evon.

In the past, police said, Evon abused a former girlfriend who is the mother of his child and was arrested for other assaults. In the Davis case, he pleaded guilty to assault. But with little evidence against him, he was given a 2½-year suspended sentence and spent no time in jail. Evon is back on the streets.

Evon and Davis met about two years ago in Clearwater, Fla. He was working for the circus and she was on a drunken, multistate binge with a man from her hometown in

Texas, where she left behind her teen-age son.

She embarked on yet another drunken trek with Evon, this time up the East Coast and into Boston. The couple arrived last July.

Davis and Evon fought often. She berated him for not finding a job and getting them an apartment. He retaliated by picking up the 70-pound Davis — weak from too much vodka and too little food — and throwing her several feet. After her hip was shattered, she had to use a wheelchair.

Evon would also bring men to the couple's "crib" — planks and a dirty mattress shoved between two buildings where the couple slept beneath a Back Bay overpass — and show them her hip.

McMahon said those "show-and-tell sessions" often turned into forced prostitution. Unable to move, Davis endured the pain and humiliation by staying drunk. Sometimes Evon would buy her takout lobster dinners with the cash he earned from her.

But Davis never reported the crimes against her. That, too, is typical of the homeless, police and advocates said. They tend to live by their own code, which includes being wary of police and social service agencies. There is no hard data to show how many crimes are committed against homeless women by their partners on the streets, court officials said.

But anecdotal evidence abounds.

Women arrive at the Women's Lunch Place daily with bruises, black eyes, swollen lips and other signs of abuse. They often refuse help and refuse to admit they are in danger, said Jane Alexander, executive director of the day shelter.

"These women are humiliated, afraid and ashamed," Alexander said. "They are stripped of their dignity just by the way they live. It's overwhelming."

Sherry Lee, homeless and battered almost daily since meeting her boyfriend in 1994, said she can identify with Davis. Sherry Lee, who asked to be identified only by her first name, is recovering from a dislocated shoulder that she said her boyfriend inflicted. She is missing several front teeth and cannot count the number of black eyes he has given her.

Still, Sherry Lee said she understands why he beats her. She knows how the stress of living outdoors can turn the smallest squabble into a fit of violence.

"Even men who have nothing want to be in control of what little they do have," Lee said. "I am a possession. He loves me like he loves his boots. I'm another thing to kick around."

Like many homeless couples, Davis and Evon chose life together outside rather than in shelters, where policies require that men and women sleep in separate dormitories.

Homeless women lose their defenses

■ DAVIS
Continued from Page 1

The couple also shunned shelters because most are "dry," refusing to admit anyone who is drinking or who has alcohol on them. Although her parents said Davis had sought help to beat her alcoholism when she was younger, she never conquered the disease. It drove her out of a marriage and away from the son she has not seen in more than two years.

Making it even harder for homeless women to turn to shelters is a policy that often requires them to sever ties with their abusers. That is a tough promise for most homeless women, since their abusers are also their only emotional support.

"Battered women who have a home, or a job, or an extended family at least have some sense of hope of escaping these men," Alexander said. "Homeless women are often hopeless women. This man is all they have, and running away from them would mean losing that, after having lost so much else."

The people who now care for Davis, who uses a cane, said she remains in denial about Evon and is uncertain whether he tried to kill her. They were in love. He told her he needed her. Why would he do this?

On the night she was burned, investigators said, Davis was intoxicated and angry at Evon again for not being able to get them off the streets. She started calling him names — names he hated, like "retard."

He tried to assuage her with food and more vodka. But she would not let up. After she fell asleep in the "crib," where Evon knew she would be trapped without her wheelchair, he devised a plan that would, he admitted later, make her stop complaining for good.

According to McMahon's investigation and Evon's admission, Evon tossed around some lighter fluid, struck a match, scrambled from the crib and waited for the fire to spread.



GLOBE STAFF PHOTO /
BILL BRETT

The companion of Karen Davis (left) often brought men to their "crib" under a Back Bay overpass (above) for visits that turned into forced prostitution.

Another homeless man happened by. Along with Evon, who apparently had a change of heart, he dragged Davis from the fire.

When Evon dumped her on the ground, Davis woke up and started beating him again. As payback, investigators said, he left her in the dirt for 24 hours before he flagged down Emerson Officer Jacqueline Harris.

At first, Evon tried to blame the fire on other homeless men. But under intense questioning, he confessed.

The troopers also learned that Evon had a long history of assault and battery and regularly beat another homeless woman with whom he had a child before meeting Davis.

Davis said she has not seen Evon since November, when he visited her at the Lemuel Shattuck Hospital in Jamaica Plain. She told her father that she does not want to see him. She told him she wants to recover, stay sober and use her skills as a paralegal to find a job and place to live.

For two years before the fire, Davis' father, Alvin Venglar, had not heard from her. They were reunited by telephone after police called him about her burns. Now he said he prays that she stays away from the bottle, and that Evon stays away from her.

In Roxbury, a community approach to curbing domestic violence

DERRICK Z. JACKSON

People who are issued restraining orders in the Roxbury area will soon begin receiving a letter. It begins by citing the fact that nearly 4,000 people were issued such orders in 1994 in the Roxbury, West Roxbury and Dorchester courts.

"Dear community member, as people who live and work in this community, we are concerned that such a large number of people, primarily women, need protection by the courts and police. This is a serious problem which affects us all."

"We understand that you view the issues that led to your receiving a restraining order as personal, between you and the person requesting the order. However, the way that you handle the restraining order's requests is a community concern. The use of violence as a tool for resolving family and relationship disputes is a warfare that our community, particularly our children, cannot afford."

The letter warns that domestic violence causes birth defects, results in major emotional trauma that can lead

to addiction, early sex, flunking school and joining gangs. "We ask that you cooperate with your restraining order's requests," the letter said. "If our community is to be healthy and thrive, then our homes must be places where conflicts are resolved peacefully.... Help us build a spirit of peace and harmony within our community by cooperating with the restraining order's requests."

The letter was composed by longtime Boston community activists Chuck Turner and Joyce King. Turner is a counselor at Emerge, a domestic abuse counseling center. King is director of Renewal House, a shelter for battered women.

"We want to tell people, before they commit a criminal act, that their acts help spread fear," Turner said. "We feel one of the reasons people violate restraining orders is because they feel the community does not care."

The letter is something Turner and King started thinking about four years ago. They are concerned that African-Americans have a code of silence about domestic abuse. A woman has a 1-in-4 chance of being beaten by her partner in her lifetime. Many studies have found that many violent youths come from homes where domestic violence was common.

The black code of silence has been dispiriting. Boxer Mike Tyson, convicted of rape, was given a rally by Harlem ministers, businessmen and politicians after his release from prison. A stunning percentage of African-Americans, in polls and anecdotally, downplayed O.J. Simpson's domestic abuse during his murder trial. A majority of African-Americans supported Clarence Thomas for the Supreme Court despite allegations of sexual harassment.

"When I speak to black women, the message I get is to be careful, as if I should not even utter the phrase 'domestic abuse,'" said King. "They say we need to be careful because of how black men are treated in society. Black ministers have quoted me parts of the Bible to prove that men should control women. Once I gave a Mother's Day presentation at a church where the room was so quiet I knew it was 'Oops.'"

Among men, Turner has found that the issue is less a code of silence than a code of assumption. He counsels 48 people at a time for domestic abuse, most of them on court orders. A classic case was that of a 27-year-old man he counseled who was 6-feet-4 and 250 pounds. "He talked with glee of how he picked his girlfriend up and threw her down and then punched and kicked her 10

times," Turner said. "He said the police would come and he would say she hit him first. The police say, 'Don't get us involved.'"

"He showed no remorse or logic. His case may sound extreme, but it's nearly universal that men find a way to blame women as a justification of their own behavior."

King and Turner are trying to get other prominent residents of Roxbury and Dorchester to sign the letter. Then they will find out who has been issued restraining orders, which is a matter of public record. Then they will assess in several months from now whether their community notice has had any effect. They both said that African-Americans find it easy to be outspoken about violence they can blame on root causes such as lack of jobs and racism. This letter is an attempt to start a discussion on a crime of self-destruction.

"Right now, the men who beat women in our community don't see that community as being willing to take them on," King said. "We hope this is the beginning of saying, in fact, that no neighborhood has to take that."

Derrick Z. Jackson is a Globe columnist.

There are ways to fight domestic violence — all we need is the will

MARGARET A. ZALESKI

Vera Young came into my courtroom 10 days before she was murdered to seek a restraining order against the father of her 4-month-old son. She was 19. She told me about the abusive relationship she was in, and said that she just wanted to be left alone with her baby. I issued the order immediately, told her of the abuser's serious criminal record, checked to be certain there were no outstanding warrants against her abuser, asked her how she planned to keep herself safe, and made certain she spoke with a victim advocate to develop a safety plan. The man against whom she sought protection has now been arrested for her murder.

This case of domestic violence shows what all of us in the court system already know: Courts cannot fix all the evils of society. Courts have procedures, systems and programs, but judges and victim advocates are administering Band-Aids when what is needed is a massive attack on the causes that produce people who abuse and kill.

People tell me that those who enjoy their lives far away from violent neighborhoods do not want to hear about what it would take to end the violence because the solutions involve either their time or their money. My experience, however, is that most people want to help, but do not know how to start. The causes and solutions are many, but violence will not end without personal effort.

Abused women need more protection — more advocates, shelters, and education about domestic violence. Last week an 86-year-old woman told me, when she asked that criminal charges be dismissed against a man who rents a room in her home and who punched her in the face, that she "deserved" it because of something she said to him about the military. Too many women mistakenly believe they are responsible for the abuse they suffer. These women need access to support groups, led by trained therapists, and funding for these services must be increased immediately.

We need to address the issue of violence in the home early in a child's life. Every child in elementary school should participate in conflict resolution training and specific training about healthy relationships. School sport

to victims, families and everyone in society who is forced to live in fear. We need to take steps now to address the violence for, in a few years, the number of people in jail, or on probation or parole, is expected to exceed the number of full time-college students.

Young people who are no longer in school need access to counselors and therapists, as well as to job training programs. Many of the defendants I see daily in court want to work, but are so undereducated or lack such basic skills that they do not know how to begin. These young people have the potential to enjoy life and contribute to society, but for many who have nowhere to turn, the temptation of drugs — using, selling, or both — is too strong for their undisciplined spirits.

As a society, we also need to learn what approach, if any, will stop a batterer from abusing again. I am not talking of someone with a mental illness, but rather of the man who lives across the street, or who appears weekly in church, or who holds a responsible job. The newspapers are filled with the most extreme examples of abuse against women, but, on a daily basis, judges and victim advocates hear from women who suffer such overwhelming pain in their daily lives that it

is a wonder they can find the strength to get up each morning. I am reminded of the woman whose husband keeps a pump action shotgun locked in the pantry; the woman whose husband has beaten her for years and has now turned on the children; the woman who was beaten and her nose broken because she had no more money to give her former boyfriend for drugs. We need to know what will work to stop the secret violence that does not spill out into the streets, the courts, and finally the news. Successful programs need to be fully funded and implemented now.

Thinking of Vera Young's son, Matthew, causes me to comment on the number of children being raised by their grandparents. If society continues in the direction we are going, I ask, "Who will raise the children of these children?" It takes a community to raise a child. We are all part of that community and now is the time for individuals to say we will take action — individually and collectively as the government — to end this violence.

Margaret A. Zaleski is a judge in Dorchester District Court.

If we fail to prevent violence, we'll spend the money in incarceration, but the cost in human misery will be immense.

programs must be offered at all schools for girls as well as for boys, because sports, including self-defense courses, help girls develop self-esteem and strength. Good self-esteem can make it less likely that a woman becomes involved with a batterer, and more likely that she will leave quickly if she does.

There is an overwhelming need for counseling opportunities for young people to address the tremendous rage rampant in some members of the younger generation, before it turns into killing rage. Parents and concerned citizens can demand that school systems provide these important programs.

If we fail to prevent violence we will spend the same money in incarceration, but the cost in human misery will be immense —

Workshop C
Hate Crimes:
Awareness and Intervention

Hate Crimes Awareness and Intervention

Moderator: Gerard D. Downing
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Governor's Task Force on Hate Crimes, "Hate Crime in Massachusetts: Annual Report, 1994"

Categories of bias reported

Bias motivations break down as follows: of the 516 bias motivations for particular crimes reported, race/ethnicity/national origin bias constituted the largest category of reported motives, with 67.9% of the total. Offenses related to religious affiliation were the second most frequent category, with 19.6% of the total. Offenses motivated by sexual orientation bias were the third most prevalent, with 11.2%, while offenses against handicap status and gender were reported as 0.6% and 0.8% of the total, respectively.

Categories of crimes reported

Of the total of 808 crimes reported, acts of vandalism and property damage were the most frequent offenses, representing 30.7% of the total. Other frequent crime categories were assaults (20.6%), threats (17.8%), harassment (13%), and general civil rights violations (6.4%). Other types of crimes were reported in 11.5% of cases.

Victim and offender profile

The victim of hate crimes (in the 393 cases where information on the victim's race was available) was white in 46.8% of cases, black in 39.8% of cases, Hispanic in 14.5% of cases, Asian in 7.9% of cases, and Arab in 0.3% of cases. 62.4% of victims were male in the 394 cases where this information was available.

The perpetrator of hate crimes was white in 68.6% of cases, black in 23.4% of cases, Asian in 2.3% of cases, and Hispanic in 5.4% of cases in the 299 cases where this information was available. The perpetrator was male in 85.7% of the 300 cases where gender was known.

Targets of hate crimes

The most frequent targets of hate crimes were individuals (71.4% of 489 cases), followed by private property (18.4%).

Role of organized hate groups

There was evidence of an organized hate group in only 2.7% of cases. Such evidence might be the existence of printed hate literature, or distinctive clothing or patches on the perpetrators.

Prior offenses involving reported victims or locations

In 9.1% of the 484 cases for which this information is available, victims or locations were reported as having been targeted in hate crimes at least once in the past.

Police Response to Hate Crimes

An arrest was made in 29.8% of the 252 cases for which this information was supplied.

Details of the Offense

The most frequently reported location of hate crimes was in a home or residence (28.0% of 489 cases), followed by highway or road (16%) and school or college (8.2%).

A weapon was used in 47.4% of all reported incidents.

Table 1: Crimes Committed during Bias Attacks

	Hate Crimes	% of Total
Vandalism.....	126	15.6%
Damage relig. objects.....	8	1.0%
Harassment.....	105	13.0%
Disorderly conduct..	13	1.6%
Trespass.....	9	1.1%
Threats.....	144	17.8%
Damage to prop.....	114	14.1%
Weapons offense.....	40	5.0%
Sex offenses.....	2	.2%
Arson.....	5	.6%
Simple assault.....	94	11.6%
Larceny/theft.....	10	1.2%
Burglary.....	6	.7%
Aggravated aslt.....	73	9.0%
Robbery.....	6	.7%
Rape.....	1	.1%
Gen. Civil Rights...	52	6.4%
Total.....	808	100.0%

Table 2: Bias Types as Reported to Police

	Bias Types	% of Total
Anti-Black.....	152	29.5%
Anti-White.....	89	17.2%
Anti-Asian.....	33	6.4%
Anti-Hispanic.....	68	13.2%
Anti-Arab.....	2	.4%
Anti-other race/eth.	6	1.2%
Anti-Semitic.....	93	18.0%
Anti-Catholic.....	3	.6%
Anti-Protestant.....	2	.4%
Anti-Islamic.....	1	.2%
Anti-other rel.....	2	.4%
Anti-gay (male).....	47	9.1%
Anti-Lesbian.....	11	2.1%
Anti-physical handicap.....	1	.2%
Anti-AIDS.....	2	.4%
Anti-Male.....	2	.4%
Anti-Female.....	2	.4%
Total.....	516	100.0%

Massachusetts General Laws on Hate Crimes

☉ c. 12, §11H:

Violations of constitutional rights; civil actions by attorney general; venue

Whenever any person or persons, whether or not acting under color of law, interfere by threats, intimidation or coercion, or attempt to interfere by threats, intimidation or coercion, with the exercise or enjoyment by any other person or persons of rights secured by the Constitution or laws of the United States, or of rights secured by the Constitution or laws of the Commonwealth, the attorney general may bring a civil action for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the rights or rights secured. Said civil action shall be brought in the name of the Commonwealth and shall be instituted either in the superior court for the county in which the conduct occurred or in the superior court for the county in which the person whose conduct complained of resides or has his principal place of business.

Added by St. 1979, c. 801, § 1. Amended by St. 1982, c. 634, § 4.

☉ c. 12, § 11 I:

Violations of constitutional rights; civil actions by aggrieved persons; costs and fees

Any person whose exercise or enjoyment of rights secured by the Constitution or laws of the United States, or of rights secured by the Constitution or laws of the Commonwealth, has been interfered with, or attempted to be interfered with, as described in section 11H, may institute and prosecute in his own name and on his own behalf a civil action for injunctive and other appropriate equitable relief as provided for in said section, including the award of compensatory money damages. Any aggrieved person or persons who prevail in an action authorized by this section shall be entitled to an award of the costs of the litigation and reasonable attorneys' fees in an amount to be fixed by the court.

Added by St. 1979, c. 801, § 1.

☉ c. 12, §11J:

Violations of constitutional rights; temporary restraining orders and injunctions; violations; punishment; vacation of order

In actions brought pursuant to section 11H or 11I, whenever the court issues a temporary restraining order or a preliminary or permanent injunction, ordering a defendant to refrain from certain conduct or activities, the order issued shall contain the following statement: **VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.**

After any such order has been served upon the defendant, any violation of such order shall be punishable by a fine of not more than five thousand dollars or by imprisonment for not more than two and one-half years in the house of correction, or both such fine and imprisonment; provided, however, that if bodily injury results from such violation, the violation shall be punishable by a fine of not more than ten thousand dollars or by imprisonment for not more than ten years, or both.

The clerk shall transmit two certified copies of each such order issued under section 11H or 11I to each appropriate law enforcement agency having jurisdiction over locations where such defendant is alleged to have committed the act giving rise to the action, and such law enforcement agency shall serve one copy of the order upon such defendant. Unless otherwise ordered by the court, service shall be by delivering a copy in hand to the defendant. Law enforcement agencies shall establish procedures adequate to ensure that all officers responsible for the enforcement of the order are informed of the existence and terms of such order. Whenever any law enforcement officer has probable cause to believe that such

defendant has violated the provisions of this section, such officer shall have the authority to arrest said defendant.

Following the final disposition of a criminal contempt proceeding initiated by the attorney general for violation of an order issued in an action brought by the attorney general under section 11 H, the Commonwealth shall move to dismiss any charges brought under this section against such defendant for such violation of the order.

Whenever the court vacates a temporary restraining order or a preliminary or permanent injunction issued under section 11H or 11I, the clerk shall promptly notify in writing each appropriate law enforcement agency which had been notified of the issuance of the order and shall direct each agency to destroy all record of such vacated order, and such agency shall comply with such directive.

Added by St. 1985, c. 619.

☉ c. 265, §37

No Person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the Commonwealth or by the Constitution or laws of the United States. Any person convicted of violating this provision shall be fined not more than one thousand dollars or imprisoned not more than one year or both; and if bodily injury results, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than ten years, or both.

If no injury results, violation of this statute is a misdemeanor with no statutory right of arrest. It could, however, be arrestable if a breach of the peace takes place in the officer's presence.

Elements of General Law: c. 265

Commonwealth must establish:

1. That a person (the defendant) by force or threat of force,
2. Willfully,
3. Injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, or oppresses or threatens,
4. Any person in the free exercise or enjoyment of any right or privilege secured by the Constitution or laws of the United States or the Commonwealth,
5. For a felony, bodily injury results.

☉ c. 265, §39

Whoever commits an assault or a battery upon a person or damages the real or personal property of another for the purpose of intimidation because of said person's race, color, religion, or national origin, shall be punished by a fine of not more than five thousand dollars or not more than three times the value of the property destroyed or damaged, whichever is greater, or by imprisonment in a house of correction for not more than two and one-half years, or both.

Violation of this statute is a misdemeanor. There is no statutory right of arrest for this offense. If, of course, the act is committed in the officer's presence and it constitutes a breach of the peace, it will be an arrestable offense.

Elements of General Law: c. 265, §39

Commonwealth must establish:

1. That whoever (the defendant) commits an assault or a battery upon a person OR damages the real or personal property of another,
2. For the purpose of intimidation,
3. And the intimidation was intended because of said victim's race, color, religion, or national origin.

⊕ c. 266, §127A

Any person who willfully, intentionally and without right, or wantonly and without cause, destroys, defaces, mars, or injures a church, synagogue or other buildings, structure or place used for the purpose of burial or memorializing the dead, or a school, educational facility or community center for the grounds adjacent to or owned or leased by any of the foregoing or any personal property contained in any of the foregoing shall be punished by a fine of not more than two thousand dollars or not more than three times the value of the property so destroyed, defaced, marred or injured, whichever is greater, or by imprisonment in a house of correction for not more than two and one-half years, or both; provided, however, that if the damage to or loss of such property exceeds five thousand dollars, such person shall be punished by a fine of not more than three times the value of the property so destroyed, defaced, marred or injured or by imprisonment in a state prison for not more than five years, or both.

Violation of this statute is a misdemeanor unless the actual damage to or loss of the property exceeds five thousand dollars. The misdemeanor offense is only arrestable if it constitutes a breach of the peace committed in the officer's presence.

Elements of General Law: c. 266, §127A

Commonwealth must establish:

1. That any person (the defendant),
2. Willfully, intentionally and without cause OR wantonly and without cause,
3. Destroys, defaces, mars or injures,
4. A church, synagogue or other building, structure or place used for the purpose of burial or memorializing the dead, or a school, educational facility, community center or the grounds adjacent to and owned or leased by any of the foregoing or any personal property contained in any of the foregoing,
5. For a felony, that the actual damage to or loss of property exceeds five thousand dollars (\$5,000.00).

Massachusetts Hate Crime Regulations

501 CMR: Executive Office of Public Safety

501 CMR 4.00: HATE CRIMES

Section

- 4.01: Purpose and Authority
- 4.02: Definitions
- 4.03: Procedure for Reporting
- 4.04: Bias Indicators
- 4.05: Solicitation of Reports
- 4.06: Procedures to Ensure Accuracy of Reports
- 4.07: Dissemination of Hate Crimes Information
- 4.08: Confidentiality

4.01: Purpose and Authority

501 CMR 4.00 is promulgated pursuant to M.G.L. c. 22C, § 33 "the Hate Crimes Reporting Act", pertaining to the collection and periodic reporting of hate crimes data.

4.02: Definitions

The following phrases shall have the following meanings:

Advocacy Organization: Any non-profit or not-for-profit group which represents or serves constituencies targeted in hate crimes motivated by the forms of bias enumerated at 501 CMR 4.02(3); or gathers information relating to the incidence, circumstances, patterns, causes, or nature of hate crimes or incidents or any specific type(s) of hate crimes or incidents.

Bias Indicators: Objective facts, circumstances, or patterns attending a criminal act(s) which, standing alone or in conjunction with other facts or circumstances, suggest that the offender's actions were motivated, in whole or in part, by any form of bias enumerated at 501 CMR 4.02.

Bias Motive: Hatred, hostility, or negative attitudes towards, or prejudice against, any group or individual on account of race, religion, ethnicity, handicap, gender, or sexual orientation, which is a contributing factor, in whole or in part in the commission of a criminal act. A bias motive can be inferred from the presence of one or more bias indicators. The specific forms of bias covered by the Hate Crimes Reporting Act are:

Racial/Ethnic/National Bias

- Anti-Black**
- Anti-White**
- Anti-Asian**
- Anti-Hispanic**
- Anti-Arab**
- Anti-Other**

Racial/Ethnic/National Group

- Religious Bias**
- Anti-Jewish**
- Anti-Catholic**
- Anti-Protestant**
- Anti-Islamic (Moslem)**

- Anti-Other Religion
- Sexual Orientation Bias
 - Anti-Gay (Male)
 - Anti-Lesbian
 - Anti-Other Sexual Orientation
- Handicap Bias
 - Anti-Persons with AIDS
 - Anti-Physically Disabled
 - Anti-Mentally Disabled (i.e. Mental illness, mental retardation)
- Gender Bias
 - Anti-Female
 - Anti-Male

A bias motive may also consist of an intent to interfere with, disrupt, or deprive another person(s) of his/her constitutional rights by threats, intimidation, harassment or coercion.

Hate Crime:

- (a) Any criminal act to which a bias motive is evident as a contributing factor, or
- (b) Any act which constitutes a violation of:
 - 1. M.G.L.c. 265, §37 or 39;
 - 2. M.G.L.c. 266, §127A;
 - 3. M.G.L.c. 272, §92A.

Hate Crime Report: An account of a hate crime from a law enforcement source received or collected by the Crime Reporting Unit.

Hate Group: An organization, formal or informal, which promotes bias, animosity, hostility, or malice against persons belonging to a racial, religious, ethnic/national origin, sexual orientation, handicap, or gender group (e.g. the Ku Klux Klan, American Nazi Party, etc.).

Hate Incident: Any act, whether consisting of conduct, speech, or expression, to which a bias motive is evident as a contributing factor, without regard for whether the act constitutes a crime.

Hate Incident Report: An account of a hate incident from a civil rights agency or advocacy organization received or collected by the Crime Reporting Unit.

4.03: Procedure for Reporting

(1) Hate crimes should be reported by state, local, and campus police, and other law enforcement agencies to the Crime Reporting Unit of the Criminal History Systems Board and the Department of State Police. The Crime Reporting Unit is to serve as the repository of hate crime reports, and shall bear responsibility for disseminating hate crimes data as required by M.G.L.c.22C, §33.

(2) Hate crimes are to be reported to the Crime Reporting Unit through the Massachusetts Hate Crime Reporting Form, a copy of which is annexed to 501 CMR 4.00 as Exhibit A. Reports should include the information specified in the form: the date and time of a hate crime, all evident bias indicators or whether the crime was a per se hate crime, the type(s) of bias evident, the target of the hate crime, indications as to an organized hate group or pattern of criminal activity, identifying information regarding victims(s) and perpetrator(s), injuries suffered, and weapons used, and the other crimes committed in the course of the incident. The Crime Reporting Unit may revise and update the form from time to time, consistent with M.G.L.c. 22C, §33 and 501 CMR 4.00.

(3) Police departments and law enforcement agencies should complete and submit a hate crime report for each criminal act that appears to be motivated by bias because of the presence of one or more bias indicators. The hate crime should be reported at whatever point a bias motive becomes evident to responding or investigating officers, or on a periodic basis at intervals not to exceed one year. In some cases, a bias motive may be immediately apparent (e.g. a synagogue defaced with anti-Semitic graffiti and swastikas); in other cases, bias indicators may not appear until an investigation is concluded. The report should be filed as soon as practicable, and should be filed even in cases in which no hate crime or civil rights charges are referred or prosecuted.

(4) If, after an initial hate crimes incident report was submitted, additional information regarding bias becomes available, an amended report or additional data or information should be submitted to the Crime Reporting Unit.

4.04: Bias Indicators

(1) The following criteria can assist law enforcement officers in determining whether a particular crime should be classified as a hate crime. These criteria are not all inclusive, and each case must be examined on its own facts and circumstances. Common sense judgments should also be applied in making the determination whether a crime should be classified as a hate crime.

(a) The offender and the victim were of different racial, religious, ethnic/national origin, handicap, gender or sexual orientation groups. For example, the victim was black and the offenders were white.

(b) Bias-related oral comments, written statements, or gestures were made by the offender which indicate his/her bias. For example, the offender shouted a racial or anti-gay epithet at the victim or made an abusive or pejorative reference based on gender.

(c) Bias-related drawings, markings, symbols, or graffiti were left at the crime scene. For example, a swastika was painted on the door of a synagogue.

(d) Certain objects, items, or things which indicate bias were used (e.g., the offenders wore white sheets and white hoods) or left behind by the offenders(s) (e.g., a burning cross was left in front of the victim's residence).

(e) The victim is a member of a racial, religious, ethnic/national origin, handicap, gender or sexual orientation group which is overwhelmingly outnumbered by members of another group in the area where the victim lives or works and the incident took place.

(f) The victim was visiting a location where previous hate crimes had been committed against other members of his/her racial, religious, ethnic/national origin, handicap, gender or sexual orientation group and where tensions remain high against his/her group.

(g) Several incidents have occurred in the same locality, at or about the same time, and the victims are all of the same racial, religious, ethnic/national origin, handicap, gender or sexual orientation group.

(h) Victims or witnesses perceive that the incident was motivated by bias.

(i) The victim was engaged in activities promoting a racial, religious, ethnic/national origin, handicap, gender or sexual orientation group. For example, the victim is a member of the NAACP, participated in gay rights demonstrations, etc.

(j) The incident coincided with a holiday relating to or a date of particular significance to, a racial, religious, ethnic/national origin, handicap, gender or sexual orientation group (e.g., Martin Luther King Day, Rosh Hashanah, Gay/Lesbian Pride Day, etc.).

(k) The offender was previously involved in a similar hate crime or is a member of or associates with, a hate group.

(l) There were indications that a hate group was involved. For example, a hate group claimed responsibility for the crime or was active in the neighborhood.

(m) A historically established animosity exists between the victim's ethnic/national/religious group and the offender's ethnic/national/religious group.

(n) The victim, although not a member of the targeted racial, religious, ethnic/national origin, handicap, gender or sexual orientation group, is a member of an advocacy group supporting the precepts of the victim group, or is friendly with members of a victim group.

(o) The victim was in or near an area or place commonly associated with or frequented by a particular racial, religious, ethnic/national origin, handicap, gender or sexual orientation group (e.g., a gay bar).

(p) There was no clear economic motive for an assault and battery.

(q) The victim was in the company of, or married to, a member of a targeted group.

(r) The victim has received harassing mail or phone calls or has been victim of verbal abuse based on his/her affiliation with a targeted group.

(s) The victim was perceivable by the offender as violating or breaking from role conventions or stereotypes, or working in non-traditional employment.

(t) The crime involved extreme mutilation, cruelty, or brutality.

(u) The offender has been subject to M.G.L.c. 209A restraining orders against two or more different women.

(v) The offender has a history of previous crimes with a similar modus operandi, and there have been multiple victims of the same racial, religious, ethnic/national origin, handicap, gender or sexual orientation group.

(2) Bias indicators need not establish that the predominant purpose of a perpetrator's actions was motivated by hatred or bias. It is sufficient for classification of an incident as a hate crime that a perpetrator was acting out of hatred or bias, together with other motives; or that a bias motive was a contributing factor, in whole or in part, in the commission of criminal act.

(3) For a crime to be classifiable as a hate crime, it is sufficient that bias indicator(s) would, in the exercise of professional law enforcement judgment, directly or circumstantially support a finding of a bias motive. Bias indicators need not conclusively demonstrate that a criminal act was motivated by bias or bigotry. In some instances, one bias indicator may be sufficient to support an inference that a crime was motivated by bias or bigotry (e.g., bias-related epithets or markings). In other cases, more than one bias indicator may be necessary to warrant such an

inference. In each instance, a law enforcement judgment is necessary to assess whether a given crime was hate motivated.

(4) Facts or circumstances deemed sufficient to support an arrest or criminal charge under M.G.L. c. 265, §37 and 39; c.266, §127A, and c. 272, §92A are automatically sufficient for classification and reporting of an incident as a hate crime.

(5) Even if the offender was mistaken in his/her belief that the victim was a member of a racial, religious, ethnic/national origin, handicap, or sexual orientation group, the offense is still a hate crime as long as the offender was motivated by bias against that group. For example, a non-gay man walking by a bar frequented by gays was attacked by six teenagers mistakenly believing the victim to be gay. Although the offenders were mistaken, the offense is a hate crime because it was motivated by the offenders' anti-gay bias.

4.05: Solicitation of Reports

The Secretary of Public Safety shall solicit hate crimes reports from state, local, and campus police departments and other law enforcement agencies. This solicitation shall inform such departments and agencies of the need to report all incidents classifiable as hate crimes to the Crime Reporting Unit, together with all information requested by the Massachusetts Hate Crime Reporting Form. The solicitation shall occur at least once per year, prior to the close of reporting in preparation for publication of the Annual Report, and urge that all hate crimes for the reporting period be reported as soon as possible to be included in the Annual Report.

4.06: Procedures to Ensure Accuracy of Reports

(1) The Crime Reporting Unit shall solicit and receive reports of hate incidents from reliable sources other than police departments and law enforcement agencies (i.e., advocacy organizations and civil rights agencies) on a regular basis.

(2) The Crime Reporting Unit shall collect, tabulate, and report hate incident data from advocacy organizations and civil rights agencies, separately from hate crimes data from law enforcement sources. Hate incidents shall be reported through the Hate Incident Reporting Form, a copy of which is annexed to 501 CMR 4.00 as Exhibit B. Reports should include sufficient information to demonstrate that the incident is properly classifiable as a hate incident--the date and time of the incident, the type(s) of bias evident, all evident bias indicators, the target of the incident, indications as to an organized hate group or pattern of hate-motivated activity, identifying information regarding the victim(s) and the perpetrator(s), whether the incident was reported to the police, and a narrative description of the incident. The Crime Reporting Unit may revise the form at Exhibit B from time to time, consistent with M.G.L.c. 22C, §33 and 501 CMR 4.00.

(3) Any incident, to be properly classifiable as a hate incident must reflect through the presence of one or more bias indicators a type of bias motive enumerated at 501 CMR 4.02(3). The Crime Reporting Unit shall reject Hate Incident Reports which do not reflect a bias motive as enumerated at 501 CMR 4.02(73), or which do not supply sufficient information through which a bias motive can be ascertained.

(4) The Crime Reporting Unit shall regularly share its hate crimes and hate incident data with the Uniform Crime Reports Section of the FBI, and make these data available to police and law enforcement agencies on request.

(5) To be entitled to report hate incidents to the Crime Reporting Unit, advocacy organizations and civil rights agencies must have representatives participate in training in the proper

classification of hate incidents. This training may be conducted by the Crime Reporting Unit itself, or may utilize curricula developed by the Criminal Justice Training Council with respect to classification of hate crimes.

4.07: Dissemination of Hate Crimes Information

(1) The Crime Reporting Unit shall collect all hate crimes and hate incident data reported by police departments, law enforcement agencies, advocacy organizations, and civil rights agencies. The Crime Reporting Unit shall forward hate crimes reports to the General on a regular basis.

(2) The Crime Reporting Unit shall summarize and analyze hate crimes data, and its summaries and analyses of hate crimes data shall be organized on an annual basis into an Annual Report to be distributed in accordance with M.G.L.c. 22C, §34.

(3) Summaries and analyses of hate crimes data prepared for the Annual Report shall reflect the following information:

- (a) overall incidence of hate crimes for the Commonwealth for the reporting period;
- (b) incidence of hate crimes by city and town, and by type of bias motivation indicated;
- (c) incidence of hate crimes by type of criminal act involved;
- (d) incidence of hate crimes by types of targets and injuries involved;
- (e) statistical analyses of types of victims by age, race/ethnicity, sex, and extent of injury;
- (f) statistical analyses of types of perpetrators by age, race/ethnicity, sex, and frequencies of arrests, and convictions;
- (g) incidence of hate crimes by weapons used;
- (h) trends in the frequency, locales, and types of hate crimes reported;
- (i) narrative, interpretive, and qualifying elaboration of the information presented at a-h, and the overall hate crimes data gathered for the reporting period.

(4) Hate incident data shall be summarized, analyzed, and reported in the Annual Reports to afford a basis for comparison with hate crimes data obtained through law enforcement sources. Summaries, analyses, and reports of hate incident data shall reflect the information specified at 501 CMR 4.07(3)(a), (b), (d) through (f), (h) and (i), and in addition, the extent to which hate incidents are reported to the police.

4.08: Confidentiality

The Crime Reporting Unit, in conjunction with the Criminal History Systems Board, shall assure that no disclosure of Criminal Offenders Record Information subject to M.G.L.c. 6, 167 through 178 is made otherwise than in accordance with the provisions of said statute. Names of victims and perpetrators of hate crimes should not be reported to the Crime Reporting Unit on the prescribed form, in the course of the hate crimes data reporting. Crimes shall be referenced and identified by the case number assigned by the reporting agency, the time and date of the incident, and other particularized information.

The Investigation and Prosecution of Gender - Related Hate Crimes

by

Judith E. Beals, Assistant Attorney General
Public Protection Bureau
Family and Community Crimes Bureau

In recent years, public attention has focused on the rising level of violence against women. Women are not only disproportionately victimized by violent crime; they are disproportionately maimed and killed by the most vicious and brutal forms of attack.¹

The article addresses one type of crime against women, namely, crime motivated in whole or in part by bias against, or hatred of, women as a group. A "hate crime," as that term is used in this article, is a crime in which the perpetrator acts not simply out of animosity toward the individual victim, but out of hostility or prejudice toward the group to which the victim belongs. The Massachusetts Hate Crimes Reporting Act, G. L. C. 22, §32, defines a "hate crime" as:

[A]ny criminal act coupled with overt actions motivated by bigotry and bias including, but not limited to, a threatened, attempted or completed overt act motivated at least in part, by racial, religious, ethnic, handicap, sexual orientation or gender prejudice...

A 1991 amendment to this statute specifically added "gender prejudice" to the list of forbidden motivations. St. 412, §22, 1991.²

Thus, both conceptually and legally, misogynous crimes are no different than acts of racial, ethnic, religious or homophobic violence, which, as discussed below, are frequently prosecuted under the provisions of G.L. c. 265, §37.

BACKGROUND

Massachusetts civil rights statutes have long provided police and prosecutors a powerful set of tools for deterring and punishing crimes of bias and hate. The most frequently used of these statutes is G.L. c. 265, §37, entitled, "Violation of Constitutional Rights."³ Together, these laws recognize the uniquely destructive individual and social impact of threats and violence committed out of bias, prejudice or bigotry. Appropriately, they single out those who commit these crimes for special societal censure in the form of heightened criminal sanctions and criminally enforceable court orders. In light of the United

¹ See e.g., Gender Bias Study of the Supreme Judicial Court, Commonwealth of Massachusetts (1989) pp. 79-109.

² Of course, crimes committed against men and motivated by hatred toward men are hate crimes as well.

³ In addition to G.L. c. 265, §37, the following criminal statutes prohibit various forms of hate crimes: G.L. c. 265, §39, G.L. c. 266, §27A, and G.L. c. 272, §98. In addition, G.L. c. 12, §H-J empowers the Attorney General to obtain criminally enforceable court orders for the protection of victims of bias-related threats, intimidation, and coercion, as well as other civil rights violations. G.L. c. 12, §111 permits relief for such violations.

States Supreme Court's recent decision in Wisconsin v. Mitchell, 113 S. Ct. 2194 (1993), there can be no doubt about the constitutionality of these vitally important civil rights statutes.⁴

Over time, the Massachusetts civil rights laws have evolved both in their application and their utility. Although initially enacted and applied in response to racial conflict arising out of the desegregation of the Boston public schools, they quickly become a powerful tool for ensuring that all persons are free to live peacefully without the threats or violence on account of their cultural, religious, ethnic or racial identity, or on the basis of their sexual orientation or disability. Southeast Asian Americans, Arab Americans, African Americans, Jews, gays and lesbians, Irish, Italian and Hispanic Americans, and disabled persons are among the many groups that receive the protection of the Massachusetts civil rights laws. However, these statutes have seldom, if ever, been used to prosecute crimes motivated by bias against a victim's gender. As discussed below, these crimes are clearly covered by G.L. c. 265, §37 and should be investigated and prosecuted as such.

Legal Basis for Investigating and Prosecuting Gender-Bias Hate Crimes Under G.L. c. 265, §37

G.L. c. 265, §37 provides that:

No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the United States.

Prosecution under this statute requires proof that: (1) the defendant used force or threat of force; (2) the victim was exercising or enjoying a right or privilege secured by the constitution or laws of the Commonwealth or the United States; (3) the defendant either injured, intimidated, interfered with, oppressed or threatened the victim, or attempted to injure, intimidate, or interfere with, or oppress or threaten the victim's exercise or enjoyment of a secured right; and (4) the defendant acted willfully.

The requirements for proving each of these elements in the context of racial crimes have been death with elsewhere.⁵ This article is, therefore, limited to highlighting specific issues involved in the prosecution of hate crimes based on gender.

At the outset, it should be clear that just as most crimes committed by white persons against black persons, or vice versa, are not racially motivated, most acts of violence against women, or vice versa, are not "hate crimes". The following principles, derived from settled practice in prosecuting other kinds of hate crime, should guide the determination of whether a particular incident is a "hate crime" involving gender bias.

1. The victim must be exercising rights secured by the laws or constitutions of the Commonwealth or the United States.

⁴ In Wisconsin v. Mitchell the Supreme Court upheld a Wisconsin statute that increases a defendant's sentence where the defendant selects his victim because of her race or other protected status. It held that enhanced penalties for bias-motivated crimes do not violate the First Amendment, and are justified by the special societal harms caused by hate crimes. 113 S. Ct. at 2199-2202.

⁵ See e.g., Model Jury Instructions of the District Court Department. See also Sager, Rights Protected by the Massachusetts Civil Rights Act Against Interference on Account of Color, 17 Suffolk U.L. Rev. 53 (1983).

Given the breadth of the civil rights protected by Massachusetts and federal law, this element of the crime should not present particularly vexing questions of interpretation or application in the context of gender-related hate crimes.

Under the 1976 Equal Rights Amendment to the Massachusetts Constitution, the right to equality under the law on the basis of gender is specifically protected. Mass. Const. Pt. 1, Art. 1 as amended by Art. 106 of the amendments. Under the applicable Massachusetts civil rights laws, including G.L. c. 265, §37, this constitutional guarantee prohibits private gender-based distinctions that are accomplished by proscribed forms of conduct. See e.g. O'Connell v. Chasdi, 400 Mass. 686, 694 (1987). Thus, any gender-motivated threat, violence, or intimidation clearly implicates this constitutionally secured right.

In addition, state and federal laws secure rights of gender-neutral treatment to all persons in: (1) the use of public streets, sidewalks and other places of public accommodation, G.L. c. 272, §§92A, 98; (2) the use and occupancy of housing accommodations, G.L. c. 151B, §4(6); G.L. c. 93 §102; 42 U.S.C., §3604; 42 A.S.C. 1982; (3) the performance of employment related duties, G.L. c. 93, §102; G.L. c. 151B, §4; 42 U.S.C., §1981; and (4) the right to be safe and secure in one's person and in the use of personal property, Mass. Const. Art. 1.

2. The defendant must have acted willfully to injure, intimidate, interfere with, the victim in the exercise of her rights.

In order to establish this element, it is not necessary to show that a victim was aware that she had or was exercising a protected right or privilege, or that the defendant actually knew that he was depriving a person of a specific right or privilege. Commonwealth v. Stephens, 25 Mass. App. Ct. 117, 124-125 (1987). It is only necessary to show that the defendant acted intentionally in activity that has the effect of interfering with a protected right. Id.

3. The defendant must have acted out of bias based on gender.

This means that, because of his bias against women, the defendant formed and acted upon a specific intent to commit an act which has the effect of depriving a woman of at least one of her civil rights. See Commonwealth v. Stephens, 25 Mass. App. Ct. 117, 123, 125 (1987). A crime against a woman is not a crime of hate merely because the victim happens to be a woman; her gender must have been a motivating cause of the crime.

Thus, as with other hate crime, there must be some evidence of the perpetrator's bias motive, such as language or gestures expressing hostility to women in general. Even if the defendant in fact acted out of hatred toward women, unless he showed some sign that this was his motivation, or unless the conclusion that he was motivated by hatred is a fair inference from the specific facts of the case, he cannot be prosecuted for a hate crime.

Perhaps the easiest examples of misogynist hate crimes are those in which there is direct, explicit evidence of the defendant's bias motivation. The 1989 massacre at the University of Montreal of fourteen female students, in which the killer first separated female from male students and cursed the women as "a bunch of feminists", is the most savage and notorious recent example of such a crime. Locally, a case involving a woman who was repeatedly raped and stabbed by a group of men who indicated that they set out to "get a woman" provides another example of a possible hate crime.

However, evidence of bias motive is not limited to direct statements. The determination of whether a particular incident is a hate crime must depend on a careful evaluation of the evidence to determine the motives of the perpetrator. The "Bias Indicators" included in the regulations promulgated pursuant to the Hate Crimes Reporting Act, G.L. c. 22, §17, are particularly helpful in this regard. See

501 C.M.R. 4.00 et. seq.⁶ They include the following considerations. (specific examples offered here are applications of the general principles set forth in the current regulations):

- bias-related oral comments, written statements or gestures made by the offender in the course of committing a crime. In addition to the Montreal example cited above, these might include epithets such as "bitch", "dyke", "cunt" or other pejorative references based on gender;
- Bias-related drawings, markings, symbols, or graffiti left at the crime scene;
- a track record of violence against women. While every rape and every act of domestic violence is not necessarily a hate crime, a hate crime prosecution may be appropriate where the perpetrator has demonstrated a pattern of dominating women through assaults and violence. For example, evidence of multiple restraining orders sought by a series of women against the same man may constitute compelling evidence of the perpetrator's hatred of women;
- a context in which the victim is overwhelmingly outnumbered by men in a setting where women are perceived as violating sex role conventions. For example, where the only female member of a work crew is repeatedly threatened at her place of work, or her locker is repeatedly vandalized;
- the victim is involved in activities promoting feminism or women's issues. For example, where vandalism and threats are directed toward the editors of a feminist newspaper, or a battered women's advocacy group;
- where the perpetrator has selected only female victims (e.g., wife, daughter's, sisters) but not male victims; or where the perpetrator has a history of previous crimes with a similar modus operandi, and there have been multiple victims of the same gender;
- the location of the wounds at or near the victim's sexual parts. Again, it is important to remember that any of these factors, standing alone, may or may not support a determination of bias motive. In some instances, one bias indicator may be sufficient to support the conclusion that a crime was motivated by bias or bigotry (e.g. bias-related epithets or markings). In other cases, more than one indicator may be necessary to support such a conclusion. As the current Hate Crimes Reporting Act regulations remind us "[c]ommon sense judgment should... be applied in making the determination whether a crime should be classified as a hate crime." 501 C.M.R. 4.04(1).

4. Hatred of women must be one motivation for the crime, but it need not be the only motivation.

A man who assaults a woman solely because, for example, the woman insulted him, has not violated G.L. c. 265, §37. If, however, hatred of women was one of the motivating factors in his assault, and this can be proven, this does violate the statute. "[T]he deprivation of civil rights contemplated by G.L. c. 265, §37, does not have to be the predominant purpose of the defendant's acts." Commonwealth v. Stephens, 25 Mass. App. Ct. at 124. It is sufficient that the perpetrator was acting out of hatred or bias, together with other motives; or that bias was a contributing factor, in whole or in part, in the commission of a criminal act.

⁶ These regulations were amended in 1993 to reflect the addition of gender bias as one of the forbidden motivations for hate crime.

"THOU SHALT NOT STAND IDLY BY...."



RESPONDING TO ANTI-SEMITISM

Anti-Defamation League
New England Regional Office
126 High Street
Boston, MA 02110
617-457-8800

Introduction

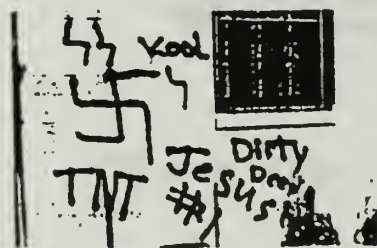
Anti-Semitic acts are an all too common occurrence. In 1992, the Anti-Defamation League received 1,730 reports of anti-Semitic incidents nationally - 856 reports of vandalism and 874 reports of harassment, threats and assaults. In New England alone, the ADLJ received 104 reports of anti-Semitic incidents. As a victim of or witness to anti-Semitism, you must resist the temptation to remain silent. Below are some guidelines for responding. Please report any incident of suspected anti-Semitism to your local ADLJ office.

I. Anti-Semitic Crimes and Incidents

A. Vandalism, Violence, Harassment

Vandalism: Anti-Semitic vandalism occurs when public or private property is maliciously destroyed with the intent to target a person because he or she is Jewish. Examples of anti-Semitic vandalism:

- 1) Swastikas are spray-painted on a synagogue.
- 2) The windows of a Jewish family's home are broken after a series of anti-Semitic threats are made to the family.
- 3) Jewish cemetery tombstones are overturned and/or defaced with anti-Semitic graffiti.



Violence: Physical damage or injury to a person because that person is Jewish. Examples of anti-Semitic violence:

- 1) Students leaving a Jewish school are attacked by a group of youths shouting anti-Semitic epithets.
- 2) A person is beaten by a co-worker who makes anti-Semitic remarks during the fight.

Harassment: Harassment occurs when a person is repeatedly accosted verbally because he or she is Jewish. Examples of anti-Semitic harassment:

- 1) Receiving hate mail.
- 2) Verbal threats.
- 3) Intimidating or threatening phone calls.

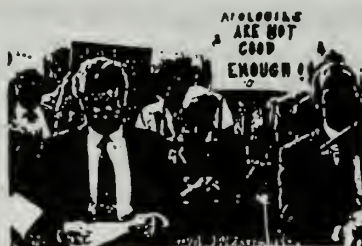
B. Responding to Anti-Semitic Incidents and Crimes

If you or someone you know is the target of an anti-Semitic incident, we recommend you take the following steps:

- 1) Leave all physical evidence intact and protected.
- 2) Photograph any evidence.
- 3) Try to determine all the details of the incident - who, what, when, and where.
- 4) If an institution is involved, notify the appropriate authorities; i.e., in school, inform the principal and/or teachers; at a synagogue, notify the rabbi or director; or at work, notify the supervisor and security.
- 5) Call the local police department.
- 6) Call the Anti-Defamation League to report the incident and to discuss the appropriate response.
- 7) Recommend an educational program if a school or church is involved.

C. What to Expect When You Call The Police

1) Ideally, the larger police departments will have a "Bias Crimes Unit." At the very least, a department should have one or two officers who deal with these issues. Ask for the officer handling bias, hate, or civil rights crimes. If there is no such



officer, speak to the chief of police.

- 2) Have details of the incident prepared to give to the police - including who, what, when, and where.
- 3) Ask to be updated on developments by the assigned investigating officer and get his or her name and shift.
- 4) Forward a copy of the police report to the ADLJ.
- 5) In Massachusetts, ask the police to file a hate crime report to Crime Reporting Unit/Criminal History Systems Board. If not, the ADLJ will ask the police to file the report.

II. When to Involve the Media

Very often, the media learn of an anti-Semitic incident and publish reports of it before the ADLJ has been notified. In this instance, one individual should be designated to speak for the institution - to provide reliable information and to avoid contradictory statements. This person should communicate a public condemnation of the incident to the media. Commendations for law enforcement officials for their good response to an incident or criticism for a slow or absent response should be relayed to the media. Contacting the media is a double-edged sword. On one hand, media attention may cause imitative behavior and glorify the offenders. On the other hand, maintaining secrecy about an incident keeps the victim isolated

and feeling alone. It also deprives the community of the knowledge that neighbors have been victimized and prevents offers of support. Given the delicate balance of issues, we recommend that you consult the ADLJ before involving, or responding to the media.



III. Anti-Semitic Stereotyping and Scapegoating

Do not ignore expressions of anti-Semitism, subtle or overt, out of the belief that they are trivial or insignificant. The person who makes a thoughtless remark today may be more hostile or aggressive the next time. The person who is hostile to Jews should be confronted. Below are some common situations that may arise and suggestions for dealing with them.

1) A co-worker complains that all Jews are rich -- or that all Jews are cheap -- or that he "Jewed someone down." Respond to this co-worker by telling him or her that it is insensitive and wrong to stereotype and that phrases like "Jewed someone down" are offensive.

2) A local paper carries a letter to the editor claiming that "the Holocaust never happened." It is important to expose the anti-Semitic intent of the writer. There is no need or purpose in "setting the facts straight," because the reality of the Holocaust is not debatable. If such an article is printed, seek advice and material from the ADLJ, which can assist in responding to such "Holocaust denial."

3) A friend tells "Jewish American Princess" ("JAP") jokes. Explain that the jokes are offensive, not funny, perpetuating degrading stereotypes of Jews and women. Point out that violent anti-Jewish behavior has been associated with this form of verbal abuse, facilitated by its social acceptability.

If you need advice on how to handle specific instances of anti-Semitic remarks or scapegoating, please contact your local ADLJ office for assistance and materials.

IV Education and Prevention

The best antidote to anti-Semitism is prevention through education and civil rights laws. The ADLJ's "Confronting Anti-Semitism Program" provides trained facilitators to lead workshops at synagogues, churches, and other community centers. The program teaches about anti-Semitism and empowers adults and children to respond to various anti-Semitic incidents.

The ADLJ also offers an educational program for schools called "A World of Difference." AWOD is a powerful means of training teachers and students to combat bigotry and encourage understanding and respect among racial, religious, and ethnic groups.

The ADLJ has model "hate crime statutes" and has vast experience in insuring that they are applied appropriately.

Getting Help

If you need help or know of someone who needs help please call the **SafetyNet Hotline: (617) 542-4800**.

SafetyNet offers counseling, victim advocacy and referral services in English, Cantonese, Khmer, Mandarin, and Vietnamese.

Your call will be kept entirely **confidential**.

For additional assistance please call:

Local Police Department: 911

Community Disorders Unit, Boston Police: 343-4527

Attorney General's Office, Civil Rights Division: 727-2200

Lawyers' Committee for Civil Rights: 482-1145

SafetyNet is a project of the Asian American Resource Workshop and is supported in part by the Public Welfare Foundation and the Mifflin Foundation.

I was at my locker at school when three kids came and said, "Hey, you dirty Jap." They slammed my head against the locker.

We understand your concerns

People who have experienced or witnessed an act of violence or a hate crime often feel frightened, angry, depressed, or upset. They may have difficulty sleeping, or be afraid to go out, or find that they cannot stop thinking about the event.

If you have been a victim or witness to a crime or incident motivated by hate, it is important to remember that these feelings are a normal response to a terrifying experience. We encourage you to get help if you have been a victim or a witness to hate violence.

What is SafetyNet?

SafetyNet provides assistance, counseling, and education for the Asian Pacific American community about civil rights and anti-Asian violence. For more information or help please call us.

Someone kept making phone calls to our home saying "I'm going to kill all you chinks and gooks."

My neighbor spray-painted "Go home Gook" on my front door, then dumped trash in front of our apartment.

What is anti-Asian violence?

Anti-Asian violence is an act directed against someone because of racism against Asians and people of Asian descent.

Anti-Asian violence can be

Intimidation
Threats
Physical Assault or
Vandalism or destruction of property
Motivated by bigotry or bias against your race, ethnicity, or other protected categories.

Anti-Asian violence is against the law.

In Massachusetts, the state Civil Rights Act protects an individual from racial violence and intimidation. The law can help protect your civil rights.

Two men chased me and beat me up. They kept saying, "Gooks don't belong around here."


Have You Been a Victim of Anti-Asian Violence?

We Can Help You

SafetyNet Hotline

Hate Violence Prevention Program

(617) 542-4800

A Project of the
 Asian American
Resource Workshop

COURSE DESCRIPTION

A WORLD OF DIFFERENCE The 30-hour course meets weekly for ten weeks at the ADL office in Boston. Participants must provide their own transportation in addition to paying the required fee of \$250 toward the cost of the program. Parents of offenders are required to attend the first session. Subsequent sessions are exclusively for the youths, unless facilitators determine otherwise, in order to foster frank and open discussion about controversial issues.

Depending on the specific hate crime, the sessions may involve selections from among the following topics:

- an introduction to civil rights and civil rights law,
- an overview of African-American history and culture,
- the Hispanic/Latino experience in the United States,
- the Asian experience in the United States,
- an overview of the history of the Jews,
- a personal account of a Holocaust survivor,
- the Anne Frank story,
- readings and discussions about homophobia and gay and lesbian history,
- diversity training, and
- conflict resolution courses to combat racism.

Weekly readings and homework assignments supplement discussions and multimedia presentations. In addition, there will be several field trips to such places as museums, synagogues, churches, mosques, etc..

In addition to videotapes, interactive exercises, journal writings, discussions, and readings, guest speakers will present information about their own backgrounds and share their expertise in areas relating to hate crimes.

A community service component is also required to successfully complete the program. Ten hours of service will take place in the community which was the target of the bias crime. The community service component is carefully planned to enable the youths to have as much contact as possible with people from the group whose civil rights were violated.

TARGETED YOUTH

A WORLD OF DIFFERENCE Placement into the Youth Diversion Program takes place either through law enforcement agencies or through the court system. All potential participants, youths ages 17 and younger, are required to undergo a two-hour psychological screening prior to admittance into the program.

It is the intent of the Youth Diversion Program to be as inclusive as possible. The majority of youthful offenders who commit bias crimes will be eligible to participate in the program. However, because the success of the program relies on an atmosphere which fosters positive change and personal responsibility, not everyone will qualify.

*The Youth Diversion Program
is supported by generous grants from
Fleet Bank and The Lotus Foundation,
as well as by private donations.*

For more information, contact:

Sandra B. Fleishman
Project Director
A WORLD OF DIFFERENCE Institute

Sally Greenberg
ADL Eastern States
Civil Rights Counsel

Leonard Zakim
ADL New England Regional Office
Executive Director

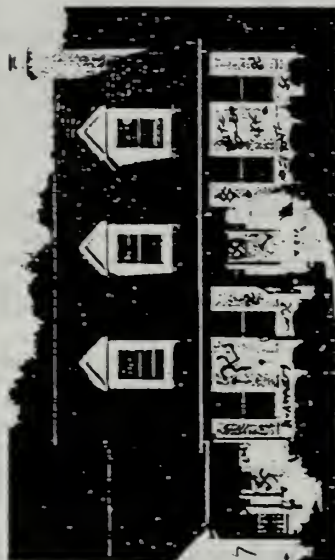
Harold H. Schwartz
ADL New England Region
Chairman

A WORLD OF DIFFERENCE
Anti-Defamation League
126 High Street
Boston, MA 02110
(617) 457-8800
FAX: (617) 988-6244



YOUTH DIVERSION PROGRAM

AN ALTERNATIVE
FOR YOUTHFUL OFFENDERS



It takes more than paint remover to eliminate
anti-Semitism, racism, and extremism

"ADL engaged the juveniles in an intensive program...the results were astounding. In each case, the juveniles understood, probably for the first time, what was wrong about their actions."

—Massachusetts Attorney General
Scott Harshbarger

ADL Since its founding in 1913, the Anti-Defamation League (ADL) has been at the forefront of the national struggle against anti-Semitism, racism, and extremism. A WORLD OF DIFFERENCE Institute and the Civil Rights Division of the New England Regional Office have designed and implemented programs that combat prejudiced behavior and attitudes among the region's youth, developing materials, programs, and services to build bridges of communication, understanding, and respect among diverse racial, religious and ethnic groups.

Through such initiatives as advocacy on behalf of hate crimes legislation, diversity training in schools and the monitoring of bias-related incidents, the ADL Regional Office has become one of the most influential human relations forces in New England.

WHY AN ALTERNATIVE FOR YOUTHFUL OFFENDERS

ADL ADL research demonstrates that hate crimes based on religion, race, ethnic background or sexual orientation have increased steadily over the last decade and are often committed by youthful offenders.

- Anti-Semitic incidents reported to ADL numbered 2,066 nationwide in 1994, up 10% from 1993.
- The ADL *Annual Audit of Anti-Semitic Incidents* reveals that 81% of those apprehended in the commission of such crimes are under the age of 21, with a substantial number under the age of 18.
- Youth frequently lack information about their own cultural heritage as well as that of their neighbors, classmates and friends. Too often this leads to engaging in stereotypes, which may create a climate of fear and hatred.
- Unless youthful offenders are enrolled in an education and training program, they will continue to commit bias crimes based on prejudices which are never challenged.

THE YOUTH DIVERSION PROGRAM

ADL Following extensive discussions with the law enforcement community around these issues, the ADL New England Regional Office identified the need for an effective rehabilitation program for youth who commit bias crimes. The Youth Diversion Program, for youths ages 17 and younger, was created by ADL and A WORLD OF DIFFERENCE Institute in response to this pressing need in the criminal justice system.

The success of the ADL New England Regional Office's Youth Diversion Program can best be summed up in the words of one of its participants:

"What I learned is to respect others, no matter what race or religion. No matter what, people should not be hurt. It is up to us to change how we think about people and to break ignorant barriers."

This testament to the significant lessons learned by participants completing the Youth Diversion Program's course of study is consistently repeated.

THE PROGRAM'S OBJECTIVES

ADL The overall objective of the Youth Diversion Program is to change both the attitude and behavior of young people convicted of hate crimes; ideally, turning the perpetrators and collaborators into activists for violence prevention.

Through psychological evaluation, 30 hours of educational programming, 10 hours of community service and follow-up work, the program aims to sensitize perpetrators to the trauma of victims and, at the same time, bolster the offenders' own self-esteem.

By establishing a non-judgmental classroom atmosphere, encouraging questions and fostering the free expression of opinions, teenagers learn about differences. They can then reflect upon and incorporate new information into their lives.

- to balance the rehabilitation and treatment needs of youthful offenders with the need to hold them responsible for their actions;
- to channel young offenders' hostility and aggression in more constructive directions;
- to reshape offenders' attitudes through education, community service, and group participation;
- to sensitize offenders to the dangers inherent in prejudicial attitudes and behaviors;
- to prevent recidivism among juvenile offenders (to date, no civil rights violator completing the program has committed another hate crime);
- to foster an understanding of cultures by teaching about the historical roots of many groups and their current concerns;
- to promote and facilitate interaction of youthful offenders with members of other racial, religious and ethnic groups;
- to encourage offenders to write about, compare and analyze other cultures and religious groups;
- to use facilitators and community members as role models who teach respect for racial, religious and ethnic differences;
- to nurture pride in the youth's own cultural background and to relate the youth's pride to that of other religious, racial and ethnic groups;
- to provide community service in conjunction with, or as an alternative to, incarceration in an effort to treat the causes rather than the symptoms of bigotry and hatred;
- to require follow-up contact by the youthful offender with facilitators, community people and criminal justice officials in an effort to prevent recurrence of prejudiced behavior.

What is Racial Violence?

Racial violence is actual or threatened injury to persons or property where the perpetrator shows racial prejudice, or where the perpetrator's actions are motivated at least in part by racial prejudice. Violence based on national origin is similar to racial violence except that the perpetrator's prejudice is directed toward the victim's national or ethnic group. The laws of Massachusetts prohibit violence or intimidation based on race, national origin, or ethnicity.

Racial violence is often accompanied by racial slurs or insults based on the victim's racial or ethnic origin. However, racial violence can take place without any racial slurs, or without any words being spoken at all.

Examples of Racial Violence

- A group attacks a person of a different race while shouting racial insults. The attack can occur on the street, in the workplace, at school, or anywhere else.
- Someone breaks the windows of a family's home or car, and the perpetrator knows that the victims are of a different race.

- A child is hit or verbally threatened, and subjected to ethnic slurs, by students of a different ethnic group.

- A person is stopped by a police officer, and then hit or roughed up for no valid reason while the officer makes racial slurs.

Who Are the Victims of Racial Violence?

Anyone, of any racial or ethnic group, and of any age, can be the victim of racial violence or intimidation. For that reason, the Massachusetts laws that prohibit racial violence and provide remedies to victims protect ALL PEOPLE in Massachusetts.

Your Right to be Free From Racial Violence and Intimidation

Every person has the right to be free from violence and intimidation based on race or national origin. The Massachusetts Civil Rights Act, along with other Massachusetts and federal laws, protects the right of every individual to reside, travel, work, and live anywhere in Massachusetts free from racial violence. If you believe your civil rights have been violated by an act of racial violence, you have the right to seek help.

Is There a Typical Perpetrator of Racial Violence?

People of all ages, all colors, and all national origins have been responsible for acts of racial violence. Racial violence can be committed by a neighbor against a neighbor or by a complete stranger. Police officers and others in positions of governmental authority have also been responsible for acts of racial violence. Massachusetts has laws that prohibit racial violence from any source.

Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association

The Boston Lawyers' Committee was created in 1968 as an affiliate of the National Lawyers' Committee for Civil Rights Under Law, which was organized in 1963 at the request of President Kennedy to involve private lawyers in the civil rights movement. Since 1973, we have been a special committee of the Boston Bar Association providing free legal representation for victims of race and national origin discrimination and handling major law reform cases on behalf of the poor and disadvantaged.

The Lawyers' Committee handles a variety of civil rights cases in addition to racial violence, including employment discrimination, bilingual education, voting rights, and housing discrimination.

The Project to Combat Racial Violence



Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association

The Project to Combat Racial Violence

The Project to Combat Racial Violence, established in 1982 as a special project of the Lawyers' Committee for Civil Rights, was created to battle racial violence and intimidation through use of Massachusetts' civil rights laws. In particular, the Project has been concerned with the full use and understanding of the Massachusetts Civil Rights Act, which was enacted in 1979. Most of the Project's work has been in the greater Boston area, but the Project is active throughout Massachusetts.

One of the Project's main focuses is to represent victims of racial violence. The Project provides free legal advice and representation to individual victims. In a criminal prosecution, Project attorneys serve as the victim's lawyer. The Project plays an active role in ensuring that the rights of the victim are protected throughout the criminal proceedings.

Project attorneys represent victims who choose to sue their attackers in a civil suit for money damages. The Project can also assist victims in obtaining injunctions, which are court orders directing the perpetrator of racial violence to stay away from the victim.

Occasionally, victims of racial violence find that they have been charged with a crime as a result of the incident in which they are a victim. If this happens, a Project attorney can act as defense counsel for the victim. At the end of the criminal case against the victim, the victim may choose to bring a lawsuit against the perpetrator of the racial violence.

The Project works with entire communities to address wide-spread issues of racial violence. Representatives are available to speak to community groups and organizations and to advise them about the civil rights laws.

What Should a Victim of Racial Violence Do?

If you are a victim of racial violence, the first thing you should do is to contact the police and ensure your physical safety. If injured, you should go to the nearest hospital or be seen by a doctor.

At this point, you should contact the Project to Combat Racial Violence. You will be able to receive legal advice about your rights and the remedies available to you. If you do not speak English, please have a relative or friend call on your behalf.

Note: If you are a victim of police violence, you should first contact either the Project or the state Attorney General's office (617/727-2200).

Criminal Complaints

If you have been the victim of an act of racial violence or intimidation, you have the right to file a criminal complaint against the person(s) who harmed you. The police may decide to seek a complaint themselves once the incident is reported to them. Or you may go to the local district court and apply for a criminal complaint at the office of the clerk-magistrate. Tell the police or the clerk-magistrate that because this was a racial crime, you want the perpetrator to be charged with a civil rights violation in addition to all other charges.

The Project to Combat Racial Violence may be able to assist you with advice or representation. You should contact the Project, especially if you encounter any difficulties in getting the cooperation of the police or the clerk-magistrate's office.

Civil Remedies

A victim of racial violence may also choose to file a civil lawsuit against the perpetrator of the violence. Through this lawsuit a victim may be able to get money damages from the perpetrator.

In addition, a victim may choose to seek a court order called an injunction. The purpose of an injunction is to protect the victim by ordering the perpetrator to stay away from the victim, the victim's home, or wherever the victim is in danger. Violation of an injunction under the Massachusetts Civil Rights Act is a crime.

Victims of racial violence who wish to seek injunctions may also contact the Civil Rights Division of the Attorney General's Office. The Attorney General's Office can sue for injunctions on behalf of victims.

Attorney General
One Ashburton Place
Boston, MA 02108
(617) 727-2200

Contacting the Project

For further information or to obtain legal advice, contact the Project to Combat Racial Violence at:

The Lawyers' Committee for Civil Rights
Under Law of the Boston Bar Association
294 Washington Street, Suite 940
Boston, MA 02108
(617) 482-1145

The Impact of Hate Crimes on Lesbian, Gay and Bisexual Victims

Anti-lesbian/gay hate crimes can have an impact on victims that goes far beyond the physical hurt inflicted. Victims of any violent crime may experience disorientation, depression, fear, and anxiety. For victims of hate-crimes, these reactions are compounded by the victim's awareness that the attack was motivated by something central to the victim's identity: their race, religion, ethnicity, or sexual orientation. For lesbian, gay, and bisexual victims of hate-crimes, negative reactions are further compounded by victims' concern that their sexual orientation will become known to people they have decided not to share it with and they will be subjected to further harassment or discrimination at their jobs, in their neighborhood, or by the police or other criminal justice professionals.

Many lesbian, gay, and bisexual people have had to work very hard to overcome the hatred of homosexuality that most of us are taught as children. An attack may resurrect a victim's old feelings of self-doubt and self-hatred that can negatively affect all areas of the victim's life. Some victims of anti-lesbian/gay violence begin to fear that they are obviously gay or lesbian and become constantly frightened of repeat attacks. These victims may begin to alter their behavior to hide their sexuality and may lose touch with gay/lesbian friends or stay away from community institutions, such as bars, churches, social groups, or

political groups, that had been important to them.

In 1979, the Massachusetts legislature recognized the additional dimensions of hate crimes when it adopted the Massachusetts Civil Rights Act. This law provides additional penalties for any use of force or threat of force intended to interfere with a person's civil right to live, work, or be wherever they choose. It also provides additional legal tools, such as a civil injunction to order alleged perpetrators to stay away from the victim, that the law enforcement community can use when dealing with hate-crimes. The law has been interpreted to apply to threats or violence committed because of a person's race, religion, sexual orientation, national origin, or disability.

The Legislature passed this law in the belief that violence committed against someone because they are different is more serious than the same violence committed without a bigoted motive: having your window broken because you are the first Asian family to move into a neighborhood is different and more serious than having it broken because you chased some kids off your lawn; getting punched and called "dyke" because someone thinks you are a lesbian is more serious than getting punched because someone thinks you stole their parking space.

Unfortunately, many law enforcement professionals in Massachusetts still do not recognize this

difference. Clients of the Victim Recovery Program have reported dealing with police officers, district attorneys, and judges who generally do not recognize the existence of hate crimes and who will not use the additional legal tools or increased penalties provided in the Civil Rights Act. A lesbian couple reporting to the local police that their dog was poisoned were told by the police chief that it is probably just neighborhood kids reacting to their lifestyle. A Boston judge informed a gay victim in court that though his attackers used anti-gay language and had no other apparent motive for their assault, his civil rights were not violated. A Victim Recovery Program advocate informing a district attorney that there is evidence an attack is hate-motivated and that the victim would like to see civil rights charges brought was asked, "We're charging them with assault and battery, what do you want to get into this civil rights stuff for?"

More wide-spread recognition within the criminal justice system of the nature of hate crimes and their impact on victims is an important part of efforts to eliminate these crimes from our society. In December of 1990, the Massachusetts Legislature passed the Hate Crimes Reporting Act to mandate the collection and publication of statistics on hate-crimes in Massachusetts and to provide training on hate-crimes to police officers.

Recommendations

Hate-motivated violence in general, and anti-lesbian/gay violence in particular, are challenging problems that defy simple solutions. However, there are a number of steps that police departments, other units of the criminal justice system and political leaders can take to reduce the level of hate-crimes in our society.

Vigorous prosecution of hate-crime perpetrators can make a difference.

Data from the survey, as well as the experience of the staff of the Victim Recovery Program, suggest that many incidents of anti-lesbian/gay violence are committed by people not otherwise disposed to criminal activity: people who believe that what they are doing is socially acceptable and is not behavior for which they will be punished. This also seems to be true of perpetrators of other hate-crimes.

The Boston Police Department's Community Disorders Unit was established to deter these citizens from committing hate-motivated violence or harassment. The CDU works hard to quickly and vigorously prosecute hate-motivated attacks in order to send the message to the victims that they will be protected by the police and to send the message to other potential perpetrators that they cannot get away with hate-violence. The CDU also publicizes this message through speaking programs and a video tape program for schools and community groups. Time and again, the CDU has demonstrated that vigorous prosecution of hate-motivated at-

tacks can enable members of racial and ethnic minorities and gay men, lesbians, and bisexuals to live their lives in Boston without the constant fear of hate-motivated violence and harassment.

What police departments can do:

In order for prosecution to be a deterrent to anti-lesbian/gay violence, victims must first be encouraged to report their attacks to the police. Many lesbians, gay men and bisexuals initially do not want to report incidents to police because they fear insensitivity or harassment from the police officers. Police departments must combat this fear with positive efforts to reach out to the lesbian and gay community.

Very small outreach efforts by police departments can have a very large pay-back. Since 1987, the Victim Recovery Program has worked hard to publicize the message that anti-lesbian/gay hate-crimes will be taken seriously by the Boston Police Department and the department has conducted outreach efforts in the lesbian/gay community. When the program started in 1987, fewer than 10% of the people who called the Fenway Community Health Center to report incidents were willing to also report the crimes to the police. Today, more than 60% of the people who call the program also report their crimes to the police.

Local police forces should reach out to lesbian, gay, and bisexual political, religious and social organizations to establish channels of communication and trust so that if members of the community are attacked, they will contact the police.

Police command staffs should establish training and policies to ensure that when lesbian/gay victims come forward, they are treated with the respect and compassion given to other citizens. Police should publicize these policies so that potential victims and perpetrators will know that anti-lesbian/gay violence will be taken seriously by the police.

What district attorneys' offices can do:

The victim's encounter with the criminal justice system only starts with the police. District attorneys must take the next step by making sure that their prosecuting attorneys and victim/witness advocates are trained in working with lesbian/gay/bisexual victims of crime and are trained to recognize hate-crimes. The Massachusetts Office for Victim Assistance makes such training available to victim/witness advocates through its funding of the Fenway Community Health Center Victim Recovery Program, but there are currently no training programs available for prosecuting attorneys in Massachusetts. Such training must be established so that prosecuting attorneys will be familiar with use of the various Massachusetts hate-crimes statutes and so that they will be able to work effectively with lesbian, gay, and bisexual victims of crime. District attorneys can set a tone in their counties that hate motivated attacks will not be tolerated by speaking out publicly against these crimes and demonstrating that they will be vigorously prosecuted.

What judges can do:

Judges and magistrates have the final say in how the criminal justice system handles hate-motivated violence. They have the power to determine whether or not cases ever get to a trial. If a defendant is found guilty, judges determine the sentence. Laws dealing with hate-motivated violence are relatively new. Judges are often faced with hate-crime defendants who are young, first-time offenders from middle-class backgrounds and some judges are inclined to let these perpetrators off lightly. Judges also are not immune to feelings of bias against lesbians, gays and bisexuals. Training on hate-crimes and on lesbian and gay issues should be made available to currently sitting judges, and all nominees to judgeships or clerk magistrate positions should be required to take such training before they take the bench.

What schools can do:

Because perpetrators of anti-lesbian/gay violence are often young people, the state should establish educational programs in high schools and elementary schools. These programs must include frank and direct discussions of tolerance toward lesbian/gay/bisexual people as well as to other diverse groups in our society. A very successful pro-

gram is "Project 10" in Los Angeles public high schools. Project 10 provides support for lesbian, gay, and bisexual high school students and teaches their heterosexual peers to accept their gay classmates, and gay people in general. Community leaders sometimes criticize such programs with unfounded claims that they are attempting to 'teach and promote' homosexuality. However, it is virtually undisputed that neither homosexuality nor heterosexuality can be 'learned.' What can be learned, by both gay students and straight students, is simple acceptance of the existence of lesbian, gay, and bisexual people.

What political, religious and community leaders can do:

Religious and political leaders must work to send out a loud and clear message that hate-motivated violence against any group is intolerable. This violence exists where perpetrators believe that it is acceptable or even praiseworthy.

These leaders must go a step further, however, and realize that as leaders they have to change some of their own attitudes and behavior towards gay, lesbian and bisexual people before the violence will end. Political leaders whose rhetoric paints gays as threats to the family have to come to understand that

they are encouraging their and their constituents' children to go out and attack that threat. High school sports coaches whose lowest insult is to tell their players, "You all look like a bunch of faggots out there," must come to understand that they are encouraging their players to prove their masculinity by beating up on gays. Entertainers and authors who constantly make gays and lesbians the brunt of derision must come to understand that they are encouraging their audiences to see gay people as sub-human and acceptable targets for violence.

What everyone can do:

Though community and cultural leaders have a large role to play in determining acceptable attitudes in our society, attitudes that foster hate-motivated violence begin and are perpetuated by everyday interactions between ordinary people. Intolerance is spread parent to child, co-worker to co-worker and friend to friend. Police, victim advocates, and others who work with hate-violence victims know that sometimes this intolerance spreads to someone who acts on it through violence, with sometimes devastating consequences for both the perpetrator and the victim. Everyone has a role to play in stopping this intolerance in order to stop the violence.

Massachusetts Police Civil Rights Officers - Contact List

TOWN	NAME	PHONE
Acton	Det. Todd Fenniman	508-263-2911
Agawam	Cpt. Richard A. Light, Sr.	413-786-4767
Amherst	Cpt. David P. Jankowski	413-256-4011
Andover	Sgt. Det. Kevin J. Winters	508-475-0411
Auburn	Det. Officer Robert T. Lanciault	508-832-7777
	Det. Officer David S. Groccia	
Avon	Officer Russell Vallancourt	617-583-6677
Barnstable	Lt. Martin E. Hoxie	508-775-0387
Bellingham	Sgt. Glen S. Whitten	508-966-1515
Blackstone	Officer Wayne D. Mowry	508-883-1212
	Officer Daniel C. Goardino	
Boston	Sgt. Brian Glynn	617-343-4527
Bourne	Lt. Thomas J. Gelson	508-759-4451
Boylston	Det. James Perview	508-869-2453
Braintree	Det. Gary S. Connell	617-843-1212
Brewster	Cpt. Brian Allen	508-896-7011
Burlington	Cpt. George P. Devlin	617-270-1915
Canton	Det. Sgt. James Wolfe	617-821-5090
Chatham	Sgt. David C. Grant	508-945-1213
Chelmsford	Officer Gail Hunter	508-256-2521
Chelsea	Lt. Donald Robitaille	617-884-1212
Cheshire	Officer Robert Copeland	413-743-1501
Cohasset	Det. Frederick H. Grassie	508-383-1212
Dedham	Sgt. Michael Buckley	617-326-1212
Dennis	Det. Robert M. Kurisko	508-394-1314
Dracut	Cpt. Kevin Rowe	508-957-2123
Duxbury	Officer Warren Rydstrom	617-934-5656
East Bridgewater	Det. William E. Shaw	508-378-7223
East Longmeadow	Sgt. Walter D. Niznik	413-525-5444
Eastham	Det. Thomas Hayes	508-255-0551
Easton	Sgt. Thomas Kominsky	508-230-3322
	Officer George Allen	
Fitchburg	Det. Lt. Gary R. Morand	508-345-9653
Foxborough	Lt. Paul N. Conant	508-543-4343
Gloucester	Sgt. Michael Crippen	508-283-1212
Granby	Lt. Normand Renaud	413-467-9222
Groton	Sgt. Jack E. Balonis	508-448-5555
Groveland	Officer Harold G. Veo	508-521-1212
Halifax	Sgt. Walter P. Mullen	617-293-5761
Hanson	Officer Richard Nawazelski	617-294-8081
Hardwick	Officer Matthew Markiewicz	413-477-8531
Haverhill	Officer Robert H. Dinges	508-373-1212
Hingham	Sgt. Taylor Mills	617-749-1212
Holbrook	Sgt. John J. Reilly	617-767-1212
Holliston	Sgt. James Peterson	508-429-1212
Hubbardston	Officer Kevin Minns	508-928-4837

Hudson	Sgt. David A. Stephens	508-562-7122
Ipswich	Insp. Charles Cooper	508-356-4343
Kingston	Officer David R. Griffiths	617-585-0523
Lawrence	Det. Thomas Wolfendale	508-794-5900
Leicester	Officer Joseph Hamm	508-892-7009
Lenox	Officer William Colvin	413-637-2346
Lexington	Lt. Det. Steven A. Corr	617-862-1212
Lincoln	Dep. Chief Charles Doyle	617-259-8113
Littleton	Gall	508-952-2300
Longmeadow	Sgt. Robert R. Danio	413-567-3311
Lowell	Insp. Jeffrey Davidson	508-973-9208
Ludlow	Lt. Kimerlee Ingalls	413-583-8305
Lynn	Lt. Rocco Perlino	617-595-2000
	Lt. Robert Carter	
Malden	Lt. Thomas Swanson	617-397-7171
Mansfield	Lt. George Figueredo	508-261-7300
Marlborough	Lt. Edward Ethier	508-485-1212
	Det. Mercedes Roman	
Mashpee	Sgt. William J. Ethier	508-477-0339
Mattapoisett	Officer F. Mitchell Suzan	508-758-4141
Melrose	Lt. Richard E. Smith	617-665-1212
Milford	Lt. Alfred Bacchiocchi	508-473-1113
Millbury	Officer Gerard M. Kelley, Jr.	508-865-3521
Milton	Sgt. Charles Paris	617-696-5018
Montague	Sgt. Christopher Pervere	413-863-8911
Needham	Lt. John R. Hunt	617-455-7570
	Lt. James M. Horn	
	Lt. Thomas T. J. Leary	
Newbury	Lt. Gary Clifford	508-462-4440
North Andover	Lt. Paul J. Gallagher	508-683-3168
Northborough	Lt. Edward Shead	508-393-1515
Norton	Det. Lt. Stanley J. Walasavage	508-285-6301
Norwood	Det. Sgt. William Brooks	617-762-6888
Orleans	Det. David Hagstrom	508-255-0117
Oxford	Sgt. Michael Boss	508-987-0156
Palmer	Officer Rodney North	413-283-8792
Peabody	cpt. MacGregor	508-531-1212
Pembroke	Det. Robert Morgan	617-293-6363
Phillipston	Sgt. Peter Duprey	508-249-3022
Pittsfield	Lt. David Bover	413-448-9702
Plymouth	Sgt. Donald Ward	508-830-4218
Provincetown	Sgt. John Henderson	508-487-1212
Quincy	Lt. Thomas Casey	617-479-1212
Randolph	Sgt. Arthur M. Sullivan	508-963-1212
Revere	Sgt. Dennis Collyer	617-284-1212
Rockland	Sgt. Richard Craig	617-871-3890
Rockport	Sgt. Peter J. DeCruz	508-546-3444
Rowley	Officer Thomas Hills	508-948-7644
Salem	Sgt. Conrad Pronskiewski	508-744-1212
Sandwich	Lt. Paul M. Harrington	508-888-1212

Sharon	Det. Sgt. Harold Donovan	617-784-3535
Sheffield	Chief James M. McGarry	413-229-8522
	Officer Robert A. Ulrich	
Sherborn	Sgt. Michael B. McLaughlin	508-653-2424
Somerville	Insp. Heyward Stanford	617-625-1600
South Hadley	Lt. Roy Brosseau	413-538-8231
Southborough	Det. Michael Harpster	508-485-2147
Southbridge	Officer Robert Berry	508-764-4339
Southwick	Lt. Ronald LeBarron	413-569-5348
Spencer	Sgt. Vincent Puchalski	508-885-6333
Stockbridge	Officer Robert F. Nielson III	413-298-5520
Stoneham	Insp. George Alger	617-438-1212
Stow	Sgt. Richard Goodspeed	508-897-4545
Sutton	Officer Mark Panaccione	508-865-4449
Swansea	Sgt. William Carey	508-674-8464
Tewksbury	Sgt. Alfred Donovan	508-640-4381
Tisbury	Sgt. Rodney Silva	508-696-4240
Truro	Officer Tamson A. Garran	508-349-6711
Uxbridge	Officer Jody Dwight	508-278-7755
Wakefield	Lt. Robert Thistle	617-246-6321
Walpole	Det. Sgt. Scott Bushway	508-668-1095
Waltham	Det. Michael Fagan	617-893-3700
Warren	Officer Joseph LaFlower	413-436-9595
Wayland	Officer Frank MacKienzie	508-358-7941
Webster	Officer Paul Minarik	508-943-1212
Wellesley	Lt. Donald Whalen	617-235-1212
	Sgt. Det. Robert Meaney	
Wellfleet	Lt. Sherburne Valli	508-349-3702
West Boylston	Det. Francis G. Glynn	508-835-3233
West Bridgewater	Sgt. Robert W. Kominsky	508-586-2525
West Newbury	Sgt. Lisa Holmes	508-363-1213
Westwood	Det. Christopher J. Sheehy	617-326-1903
Weymouth	Officer Wendy M. O'Connor	617-335-1212
Whately	Officer Wendy Bardwell	413-665-4532
Wilbraham	Sgt. Donald A. Bracci	413-596-3837
Winchester	Det. Lt. James R. Pierce	617-729-1214
Windsor	Chief Michael W. Tirrell	413-684-0838
Worcester	Cpt. James Gallagher	508-799-8600
Wretham	Det. James L. Boucher	508-384-2121
Yarmouth	Sgt. Paul Rooney	508-775-0445

Workshop D

Juveniles and the Justice System

Juveniles in the Justice System

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THE ATTORNEY GENERAL'S BILL RELATIVE TO THE TRIAL AND
SENTENCING OF SERIOUS JUVENILE OFFENDERS

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I. INTRODUCTION: THE ATTORNEY GENERAL'S PROPOSAL FOR PROSECUTION OF SERIOUS
JUVENILE OFFENDERS

For several years, Massachusetts has been engaged in a narrowly focused debate regarding the future of the juvenile justice system. State law makers are contemplating a shift in the law to require "automatic transfer" of serious juvenile offenders to the adult criminal court for trial.¹ Focusing primarily upon the question of in which court a young offender will be tried, however, has obscured the true goals of meaningful juvenile justice reform. The intensity of the debate itself has become an obstacle to the development of innovative and effective approaches to the problem of an increase in youth violence.

A key component of any juvenile justice policy reform must be to ensure that all juvenile

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We wish to thank Assistant Attorney General Jane E. Tewksbury, Legal Counsel to the Attorney General, and Assistant Attorney General Norah M. Wylie, Deputy Chief of the Family & Community Crimes Bureau, for their assistance in editing this article.

¹ "Automatic transfer," also referred to as "statutory exclusion," would require that certain juvenile offenders be tried in the adult criminal court in the first instance based upon the offense charged and the age of the offender. See *infra* at Section II. The current law provides for an initial "juvenile transfer hearing" in juvenile court, whereby a judicial determination is made whether to try the offender in adult court or in juvenile court. See MASS. GEN. L. ch. 119, § 61 (1993).

offenders² are held accountable for their actions. In essence, accountability has two elements: (1) swift resolution which ensures that young offenders understand that their actions have consequences; and (2) imposition of an appropriate sentence that adequately addresses both long term public safety concerns and the rehabilitative potential of the juvenile.

In September of 1995, the Office of the Attorney General proposed legislation to improve the juvenile justice system's response to serious, violent and habitual juvenile offenders. This legislative proposal, entitled "An Act Relative to the Trial and Sentencing of Youthful Offenders,"³ has three primary components: (1) "trial first," which reverses the current transfer process so that a trial on the factual allegations precedes a hearing on whether the child should be sentenced as a juvenile or as an adult; (2) elimination of the *trial de novo*, a process by which a juvenile is entitled to two full trials on the merits of a factual allegation; and (3) a permanent adult status determination. These provisions of the bill seek to streamline the current juvenile transfer process, thereby improving the efficiency and effectiveness of the juvenile justice system's response to serious juvenile crime.⁴ To frame this discussion, this article will discuss the differences between the juvenile justice system and the criminal justice system, examine the concept of "transfer" generally as a mechanism to deal with serious youthful offenders, and describe the current transfer process in Massachusetts. This article will then analyze the

² This article employs the term "juvenile offender" to refer to a "delinquent child," defined under Massachusetts law as a child between the ages of seven and seventeen who violates any city ordinance or town by-law or who commits any offense against a law of the Commonwealth, MASS. GEN. L. ch. 119, § 52 (1993).

³ The full text of this legislative proposal appears in the Appendix, *infra*.

⁴ The juvenile transfer process is discussed in detail, *infra* at Section V.

legislative proposal in detail.

II. THEORETICAL UNDERPINNINGS

Since 1899, when the first juvenile court was established in Cook County, Illinois, there has been widespread recognition that age is a mitigating factor which requires that the justice system treat children differently than adults.¹ A separate and distinct juvenile justice system, comprised of juvenile courts and youth correctional agencies, was founded primarily on the "rehabilitative ideal," which considered a "unique blending of jurisprudence and the social welfare philosophy."² In many ways, a separate juvenile justice system is a symbol of society's belief that it should bear the responsibility of providing delinquent children with a range of individualized services in addition to punishment, with the goal of attaining long term public safety in return.

To this day critical differences between the juvenile justice system and the criminal justice system exist. The goal of the adult system is largely retributive, focusing primarily on the nature of the offense and the need to insure public safety. On the other hand, the juvenile justice system historically has been structured to allow for consideration of both the circumstances of the offense and the needs of the offender on a case-by-case basis at many critical junctures.³

¹ See IRA M. SCHWARTZ, (IN)JUSTICE FOR JUVENILES: RETHINKING THE BEST INTERESTS OF THE CHILD. 150-51 (1989).

² DEAN J. CHAMPION & G. LARRY MAYS, TRANSFERRING JUVENILES TO CRIMINAL COURTS TRENDS AND IMPLICATIONS FOR CRIMINAL JUSTICE 38 (1991).

³ For example, the Massachusetts Department of Youth Services, not the court, determines in which facility a juvenile committed to its custody is placed, and the length of the stay in such placement. See MASS. GEN. L. ch. 120, §§ 5, 6 (1993).

These goals are accomplished by placing equal emphasis upon accountability, appropriate sanctions and individualized rehabilitative services.

In Massachusetts, this emphasis on rehabilitation in addition to sanctions has been maintained by the state youth corrections agency, the Department of Youth Services (DYS). DYS has been acclaimed nationally as a model agency, based on the low rate of recidivism of juveniles committed to its care in comparison to juvenile corrections agencies in other states.⁴ The success of DYS is largely attributed to the fact that it is comprised of small, intensively staffed secure facilities and a system of community-based programs that offers a wide range of sanctions and services.⁵

While the central goal of rehabilitation by the juvenile justice system is important and can be achieved for most juveniles, the juvenile justice system is not equipped to handle all juvenile offenders. A small proportion of juvenile offenders are not amenable to rehabilitation, and pose such a high risk to public safety that they need to be incarcerated in the adult system. This fact, along with the current widespread public perception of a crisis in youth violence, has generated concern that the juvenile justice system is too lenient, and has intensified the demand to "get

⁴ See OFFICE OF JUVENILE JUSTICE & DELINQUENCY PREVENTION, U.S. DEP'T OF JUSTICE, COMPREHENSIVE STRATEGY FOR SERIOUS, VIOLENT, AND CHRONIC JUVENILE OFFENDERS, PROGRAM SUMMARY 37, 38 (1993) (citing BARRY KRISBERG ET AL., NATIONAL COUNCIL ON CRIME & DELINQUENCY, UNLOCKING JUVENILE CORRECTIONS: EVALUATING THE MASSACHUSETTS DEPARTMENT OF YOUTH SERVICES (1989)).

⁵ See MICHAEL JONES & BARRY KRISBERG, NATIONAL COUNCIL ON CRIME & DELINQUENCY, IMAGES AND REALITY: JUVENILE CRIME, VIOLENCE AND PUBLIC POLICY 39 (1994).

tough" on juvenile offenders.¹⁰

III. THE TRANSFER ISSUE

As a result of the growing public sentiment that tougher treatment for juveniles is required, the juvenile transfer process, the system used to determine whether a juvenile offender should be tried as a juvenile or as an adult, has become the focus of attention and debate in Massachusetts and across the nation. The national trend in response to juvenile crime is to amend the transfer process in order to increase the number of juveniles being tried and convicted as adults.¹¹ In general, the decision to try a juvenile as an adult may be decided in one of three ways, depending on the jurisdiction: by a juvenile court judge after a transfer or "waiver" hearing; by a prosecutor who determines in which court to bring the case ("direct-file"); or by the legislature, through statutory exclusion of certain designated offenses and/or age groups from the juvenile court's jurisdiction.

The transfer hearing process, sometimes referred to as "judicial waiver," is a court-based hearing in which a judge determines whether or not a juvenile should be transferred for trial to the adult court. In a transfer hearing, juveniles are entitled to be represented by counsel, and the

¹⁰ Juvenile arrests for violent crime increased 45 percent in the ten-year period between 1982-1992. The National Council on Crime and Delinquency notes that this increase was characteristic of violent crime generally, as adult arrests increased 41 percent during the same time period. Thus, the *proportion* of violent crime committed by juveniles as compared to adults has not risen significantly. In 1982, juveniles represented 17.2 percent of arrests for violent crime, and in 1992, juveniles represented 17.5 percent of arrests for violent crime. See *id.* at 10-12 (citing FEDERAL BUREAU OF INVESTIGATION, U.S. DEPT. OF JUSTICE, CRIME IN THE UNITED STATES (1992)).

¹¹ See *id.* at 32.

state and the defense are each given an opportunity to present evidence regarding whether the juvenile should be tried as an adult.¹²

In contrast to the transfer hearing process, the decision maker in a "direct file" jurisdiction is the prosecutor. The prosecutor has the authority to determine whether a juvenile should be tried in juvenile court or adult court simply by initiating, or "filing," the case in the adult court.¹³

The third transfer model, known as "automatic transfer" or the "statutory exclusion" model, is a decision by the legislature to limit the jurisdiction of the juvenile court over offenders meeting certain statutorily enacted criteria. Offenders excluded from the jurisdiction of the juvenile court are automatically tried in the adult criminal court. Typically, the criteria include the offense charged, such as serious, violent felonies, and the age of the offender, such as lowering the maximum age for juvenile court jurisdiction. Legislative waiver expresses the view that certain crimes, such as murder or rape, warrant adult sentences and that no offender charged with these crimes should be treated as a juvenile.¹⁴

¹² See *Kent v. United States*, 383 U.S. 541, 561-68 (1966) (holding that before a juvenile is transferred, he is entitled to a hearing meeting the essentials of due process, and articulating several factors that judges should consider in making the transfer decision).

¹³ See CHAMPION & MAYS, *supra* note 6, at 70-72. See also IRA M. SCHWARTZ ET AL., CENTER FOR THE STUDY OF YOUTH POLICY, A STUDY OF NEW MEXICO'S YOUTHFUL OFFENDERS 141 (1995) (indicating that the state of Florida, a "direct-file" state, waives approximately 5,000 youth per year into its criminal courts).

¹⁴ See CHAMPION & MAYS, *supra* note 6, at 70. Several states have adopted some form of automatic transfer, including New York, which automatically transfers many offenses to criminal court, including murder, rape, kidnapping, and burglary. *Id.* at 71 (citing Barry C. Feld, *The Juvenile Court Meets the Principle of the Offense: Legislative Changes in Juvenile Waiver Statutes*, 78:3 NW. J. L. CRIMINOLOGY 512-14 (1987)).

Although automatic transfer of serious juvenile offenders may seem to be best suited to ensure maximum public protection, there are potential dangers in this approach if juvenile offenders are sent to the adult system inappropriately. Research studies suggest that juveniles tried in the adult court typically do not receive lengthier or more severe sentences than juveniles tried in the juvenile court.¹⁵ Young offenders inappropriately transferred to the adult system frequently end up back on the streets, either on probation with no incarceration, or on parole, after a brief exposure to the adult prison system.¹⁶ In addition, other studies have found that juveniles tried as adults have significantly higher rates of future criminal activity than juveniles with similar personal profiles who are charged with similar offenses and tried in the juvenile courts.¹⁷ Thus, the individualized assessment function of an "amenability hearing," which is present only in the transfer hearing model, can play a key role in protecting the long term public safety interests of the community. It allows the juvenile court judge to separate "hard core" violent juvenile offenders, for whom only lengthy adult sentences are appropriate, from those juvenile offenders who possess the potential to be rehabilitated in the juvenile justice system.

¹⁵ See JONES & KRISBERG, *supra* note 9 at 24-26 (finding that in California in 1992 youth adjudicated for violent offenses and confined in the California Youth Authority, the youth corrections agency, served longer periods of incarceration than juveniles and adults sentenced for the same crimes to the Department of Corrections, the adult corrections agency). See also JEFFREY FAGAN, NATIONAL INST. OF JUSTICE, U.S. DEP'T OF JUSTICE, THE COMPARATIVE IMPACTS OF JUVENILE AND CRIMINAL COURT SANCTIONS ON ADOLESCENT FELONY OFFENDERS 41-67 (1991).

¹⁶ *Id.*

¹⁷ See FAGAN, *supra* note 15, at 63-67.

IV. THE TRANSFER DEBATE IN MASSACHUSETTS

In Massachusetts, the juvenile transfer debate has been narrowly framed around one controversial question: whether to permit "automatic transfer" for certain juvenile offenders based upon the offense charged and the age of the offender. While Massachusetts adopted the judicial waiver model twenty years ago,¹⁸ in recent years there has been intense pressure to shift to the statutory exclusion model.

The impetus for the shift to automatic transfer is, in large part, due to the time-consuming and burdensome nature of the transfer hearing process as it currently exists in the Commonwealth.¹⁹ A transfer hearing must be held before the case can be scheduled for trial, and can take from several months to nearly a year to complete. Delaying the actual trial for a lengthy period of time is inefficient and potentially detrimental to public safety for several reasons. First, as time lapses, witnesses may be difficult to locate or their memories may fade, and the potential for physical evidence to be compromised increases, thus making a successful prosecution less likely. Second, the passage of time undermines the ability of the juvenile justice system to communicate clearly and directly to a young offender, the critical message that he or she will be held accountable for his or her actions.

The "automatic transfer" controversy in the Commonwealth has also been fueled recently by two tragic cases of violence committed by juveniles in 1990 and 1991, which led to two

¹⁸ See 1975 Mass. Acts 840, § 1.

¹⁹ See Section V, *infra*, for a discussion of Massachusetts transfer law.

significant revisions of the state's transfer law.²⁰ These revisions were enacted to make it easier to transfer young offenders to adult court for trial.²¹ Despite significant restructuring of the transfer law to increase the likelihood that a juvenile would be transferred to adult court, the debate over the central question -- whether to adopt "automatic transfer" -- persists.

V. TRANSFER HEARINGS: THE CURRENT LAW

Under current Massachusetts law, a transfer hearing is a two-part judicial hearing to determine whether a juvenile offender should be tried in juvenile or adult court.²² At the first hearing, which is often referred to as the "Part A hearing," the judge determines whether probable cause to believe that the juvenile has committed the crime or crimes charged exists.²³ At the second hearing, known as the "Part B hearing," the court makes two determinations: whether or not the juvenile presents a danger to the public; and, whether or she is amenable to rehabilitation within the juvenile justice system.²⁴ At each hearing, the burden of proof is on

²⁰ On October 31, 1990, Kimberly Rae Harbour was murdered after being repeatedly raped, beaten and stabbed by a group of youth offenders. Five of her attackers were under the age of 17. On December 5, 1990, the legislature enacted amendments to the transfer law.

In the second case, on April 20, 1991, two young boys, Charles Copney and Corey Grant, were shot to death on the steps of an apartment building in Boston. Three juveniles were accused of the murder. In the fall of 1991, the juvenile accused of firing the gun used in the murder was not transferred to adult court after a transfer hearing. As a result, the second set of amendments, named the Copney-Grant amendments, was passed on December 31, 1991.

²¹ See 1991 Mass. Acts 488; 1990 Mass. Acts 267. For a discussion of these provisions, see *infra* notes 27-35 and accompanying text.

²² See MASS. GEN. L. ch. 119, § 61 (1993).

²³ *Id.*

²⁴ *Id.*

the Commonwealth to demonstrate that the juvenile should be tried in the adult court.

Massachusetts statutory law requires the court to consider several factors when deciding whether to transfer the juvenile. Many of these factors focus on characteristics of the offender, such as the child's court and delinquency record, age and maturity, and family, school and social history. The remaining factors relate to public safety, such as the nature, circumstances, and seriousness of the offense, as well as the adequate protection of the public.²⁵ No single factor is controlling, although the court may attach substantial significance to the seriousness of the offense.²⁶ If at the conclusion of the Part B hearing the court finds that the juvenile is both dangerous and not amenable to rehabilitation within the juvenile justice system, the juvenile is "bound over" to the adult court for trial and sentencing.²⁷ A juvenile convicted in adult court may be sentenced to an adult correctional facility for the term of years provided in the criminal code.

Alternatively, if the court finds that the juvenile is not dangerous and is amenable to rehabilitation within the juvenile justice system, he or she is retained in the juvenile system. The trial and subsequent sentencing are conducted in the juvenile court, and the court may only

²⁵ The relevant provision requires the court to consider the nature, circumstances and seriousness of the alleged offense; the child's court and delinquency record; the child's age and maturity; the child's family, school and social history; the success or lack of success of any past treatment efforts of the child; the nature of services available through the juvenile justice system; the adequate protection of the public; and the likelihood of rehabilitation of the child. *Id.*

²⁶ See *Ward v. Commonwealth*, 554 N.E.2d 25, 28, 407 Mass. 434, 439 (1990) (citing *Two Juveniles v. Commonwealth*, 412 N.E.2d 344, 348, 381 Mass. 736, 743 (1980)).

²⁷ See MASS. GEN. L. ch. 119, § 61 (1993).

impose a sentence within the juvenile justice system, such as commitment to DYS.

Prior to 1990, the law provided that the Commonwealth or the court could request a transfer hearing in any case as long as several conditions were met. In order to be eligible for transfer, a juvenile had to be between fourteen and seventeen years of age when the offense was committed. In addition, a juvenile must have been previously committed to DYS and charged with an offense punishable by imprisonment in state prison if committed by an adult, or the juvenile had to be charged with an offense involving the infliction or threat of serious bodily harm.³⁸ In practice, this scheme provided the state with the opportunity to seek an adult trial and to obtain a sentence to an adult correctional facility in nearly every case involving serious violence, or those involving a habitual juvenile offender.

Amendments enacted in 1990 created a "mandatory transfer hearing" which required the Commonwealth to conduct a transfer hearing in every case involving an allegation of murder in the first or second degree, manslaughter, rape, kidnapping or armed robbery resulting in serious bodily injury.³⁹ Thus, under the new statutory scheme, a juvenile with no prior history of violent behavior would automatically be subjected to a transfer hearing if accused of one of the listed offenses. The new law also created a rebuttable presumption that a juvenile charged with murder was dangerous and not amenable to rehabilitation within the juvenile justice system. It also reduced the Commonwealth's burden of proof from a standard of clear and convincing evidence,

³⁸ See 1975 Mass. Acts 840 (setting forth the threshold criteria for transfer); Rule 208 of the Special Rules of the District Court, Massachusetts Rules of Court (permitting the court to order a transfer hearing when the threshold criteria are met).

³⁹ See 1990 Mass. Acts 267.

o a preponderance of the evidence.⁴⁰

The 1991 amendments added several new offenses to the "mandatory transfer hearing" category, bringing the total offenses to eight.⁴¹ The 1991 amendments also applied the rebuttable presumption of dangerousness and lack of amenability and the lesser standard of proof to all eight offenses.⁴²

By way of example, when a juvenile offender is charged with one of the eight designated offenses, the Commonwealth must hold a "Part A" or probable cause hearing. If probable cause is established at the "Part A" hearing, the case proceeds to a "Part B" hearing. At this phase, the "rebuttable presumption" requires the juvenile to present evidence that he or she is not dangerous and is amenable to rehabilitation. The burden of proof still remains with the Commonwealth to prove that the juvenile is dangerous and is not amenable to rehabilitation within the juvenile justice system, but only by a preponderance of the evidence - the traditional civil standard.

Significantly, the 1991 amendments created "split sentences." Under this sentencing structure, a juvenile retained in the juvenile justice system for murder in the first degree is

⁴⁰ See 1990 Mass. Acts 267, § 3.

⁴¹ See 1991 Mass. Acts 488, § 2. This provision specifies that a transfer hearing must be held when a juvenile is charged with murder in the first or second degree; manslaughter; armed assault with intent to rob or murder (ch. 265, § 18); rape (ch. 265, § 22); forcible rape of a child (ch. 265, § 22A); kidnapping (ch. 265, § 26); or armed burglary (ch. 266, § 14).

⁴² See 1991 Mass. Acts 488, § 6.

required to serve a minimum sentence of fifteen years imprisonment.³³ The minimum sentence for a juvenile adjudicated for murder in the second degree is ten years imprisonment.³⁴ Thus, juveniles convicted of murder in the juvenile system serve the initial part of their sentences in the Department of Youth Services and at the age of twenty-one, are transferred to an adult correctional facility within the Commonwealth's Department of Corrections (DOC) for the balance of the term.³⁵

Ironically, while these legal provisions were designed to facilitate the transfer of juveniles to adult court, the number of juveniles transferred for trial in the adult court has remained relatively static since 1989. Eleven juveniles were transferred in 1989; eleven in 1990; seventeen in 1991; ten in 1992; twelve in 1993; and thirteen in 1994.³⁶ Since the 1990 amendments took effect, an average of thirteen juveniles per year have been transferred, or only two more than the number transferred in 1989. This result lends credence to the statistical findings of researchers in this field that only a small proportion of juvenile offenders are truly "hard core" and responsible for a majority of juvenile crime.³⁷

³³ See 1991 Mass. Acts 488, § 7 (imposing mandatory sentences of 15-20 years imprisonment if the adjudication is for murder in the first degree, and 10-15 years imprisonment if the adjudication is for murder in the second degree).

³⁴ *Id.*

³⁵ See 1991 Mass. Acts 488, § 7.

³⁶ Research & Planning Dep't, Office of the Comm'r of Probation of Mass (1996) (statistical analysis, on file with authors).

³⁷ See generally PAUL TRACY ET AL., OFFICE OF JUVENILE JUSTICE & DELINQUENCY PREVENTION, U.S. DEPT OF JUSTICE, DELINQUENCY IN TWO BIRTH COHORTS: EXECUTIVE

While the delays associated with transfer proceedings are significant, other aspects of the juvenile justice system in Massachusetts contribute to the inefficient processing of juvenile cases. Most notably, under current Massachusetts law, all juveniles tried in the juvenile system, even those who have had a transfer hearing, have the right to two full trials -- a bench trial and a jury trial -- in a two-tiered trial system called "trial *de novo*." While the *de novo* system was abolished in 1992 in the adult criminal justice system,³⁸ it remains in effect in the juvenile system, for every case, including murder.³⁹ Thus, when a lengthy transfer hearing has occurred but has not resulted in transfer to adult court, the trial *de novo* system delays even further a timely resolution of the case. This needlessly prolongs the imposition of a final sentence, and demonstrates an extremely inefficient use of juvenile justice resources.

The fact that the jurisdiction of the juvenile court over an offender terminates when the offender attains the age of nineteen⁴⁰ amplifies concerns about the trial *de novo* system. The law makes no exception for a case that remains unresolved or involves serious charges.⁴¹ Thus, the importance of the need for statutory modifications to enable timely resolution of juvenile cases

SUMMARY (1985).

³⁸ See 1992 Mass. Acts 379, §§ 139-141.

³⁹ See Patrick P. v. Commonwealth, 655 N.E.2d 377, 381, 421 Mass. 186, 188-94 (1995).

⁴⁰ See MASS. GEN. L. ch. 119, § 72 (1993).

⁴¹ See Johnson v. Commonwealth, 569 N.E.2d 790, 793-94, 409 Mass. 712, 717-18 (1991) (indicating that no court may expand this express jurisdictional limitation imposed by the legislature).

cannot be over-emphasized.

VI. TRIAL FIRST

The transfer debate has been responsible for piecemeal reform of the existing juvenile transfer process. In the meantime, attention has been diverted from the important task of promoting innovative and balanced juvenile justice reform. Against this backdrop, in 1995 the Office of the Attorney General proposed legislation entitled, "An Act Relative to the Trial and Sentencing of Youthful Offenders."⁴¹ This bill presents an alternative to the "get tough" approach and unsatisfactory outcomes of automatic transfer,⁴² as well as the time-exacting process of the status quo, by streamlining and enhancing the efficiency of the current transfer process, without sacrificing public protection safeguards.

This legislation challenges the prevailing assumption that the critical issue for improving the justice system's response to serious cases of youth violence is the decision regarding in which forum -- juvenile or adult -- the trial will be held. Instead, this bill aims to achieve the most appropriate sentence for the offender in an efficient manner, without eliminating the individual screening mechanism of the judicial waiver process. The main components of the bill are "trial first," the elimination of trial *de novo* in the juvenile court system, and a permanent adult status determination. The bill reduces a four-step process to two steps for those juvenile cases where evaluation of the appropriateness of a juvenile sentence versus an adult sentence is

⁴¹ The bill is commonly referred to as "trial first."

⁴² Specifically, findings indicate that juveniles inappropriately transferred to adult court typically do not receive lengthier or more severe sentences than juveniles tried in juvenile court, and they may have higher rates of future criminal activity. See *supra* notes 14-16 and accompanying text.

the paramount issue.

The centerpiece of the bill, "trial first," addresses one of the major problems with the current transfer hearing process: the inability to try and appropriately sentence juveniles as adults in a swift manner. "Trial first" involves a fairly simple change: it reverses the order in which the trial and the transfer hearing are held. The trial on the merits precedes an amenability/sentencing hearing, with all cases, even those involving the most serious crimes, tried in the juvenile court. Once guilt is determined, juvenile court judges are given the power to sentence an adjudicated offender either as an adult or as a juvenile. The amenability or "Part B" hearing under current law, is preserved and merged with a sentencing hearing.

The bill classifies a juvenile who would be subject to transfer under current law as a "youthful offender."⁴⁴ A youthful offender may be sentenced as a juvenile or as an adult, in accordance with the findings of the amenability/sentencing hearing. After trial and an amenability hearing, an adjudicated youthful offender may be given one of three possible sentences: (a) the adult sentence provided by law; (b) the juvenile sentence provided by law; or

⁴⁴ Section one of the bill defines a youthful offender as "a person charged as a delinquent child subject to adult or juvenile sanctions who is between fourteen and seventeen years of age at the time the offense is committed, and: (1) is charged with murder in the first or second degree, manslaughter, or a violation of section eighteen, twenty-two, twenty-two A, or twenty-six of chapter two hundred and sixty-five, or section fourteen of chapter two hundred and sixty-six and the commonwealth has filed a notice of the intent to seek an adult sentence pursuant to section sixty-one of this chapter; or (2) is charged with an offense against a law of the commonwealth, which, if he were an adult, would be punishable by imprisonment in the state prison, and the child had previously been committed to the department of youth services, or such offense involved the threat or infliction of serious bodily harm. and the commonwealth has filed a notice of the intent to seek an adult sentence pursuant to section sixty-one of this chapter." See Appendix *infra*.

(c) an extended commitment to DYS until the age of twenty-one.⁴⁵

Questions have been raised as to whether a trial as a juvenile that results in an adult sentence after an adjudication is fundamentally fair to the juvenile. This scheme is largely defensible because the procedural safeguards that exist in juvenile delinquency cases are virtually identical to those provided for adult criminal defendants.⁴⁶ These safeguards include the right to representation by counsel, advance notice of the charges, the privilege against self-incrimination and the right to confront and cross-examine witnesses.⁴⁷ While the Supreme Court of the United States has held that the Constitution does not guarantee juveniles the right to a trial by jury,⁴⁸ Massachusetts statutory law affords juvenile offenders that right.⁴⁹ Thus, the juvenile justice

⁴⁵ This represents a significant change from the current law, which provides that a juvenile may only be committed to the Department of Youth Services until the age of 18, or 19 in the case of a juvenile whose case is disposed of after he has attained his eighteenth birthday. See MASS. GEN. L. ch. 119, § 58 (1993). An exception provides that juveniles adjudicated for manslaughter must be committed to DYS until the age of twenty-one. See MASS. GEN. L. ch. 119, § 72 (1993). In addition, under current law DYS may petition a court to obtain an extension of a juvenile's commitment from age 18 to age 21, but only in cases in which the juvenile is believed to be dangerous to the public. See MASS. GEN. L. ch. 120, §§ 17-19 (1993).

⁴⁶ See Barry C. Feld, *The Transformation of the Juvenile Court*, 75 MINN. L. REV. 691, 692 (1991).

⁴⁷ See *Breed v. Jones*, 421 U.S. 519, 541 (1975) (applying the ban against double jeopardy to juvenile offenders tried in the juvenile court and the adult court for the same offense); *In re Winship*, 397 U.S. 358, 368 (1970) (mandating that juvenile delinquency cases be proven by the criminal standard of beyond a reasonable doubt); *In re Gault*, 387 U.S. 1, 57 (1966).

⁴⁸ See *McKeiver v. Pennsylvania*, 403 U.S. 528, 547-51 (1971).

⁴⁹ See MASS. GEN. L. ch. 119, § 56 (1993) (providing juveniles the right to a trial by a jury of six persons in delinquency cases, except where the trial would be on an indictment if the child

system affords juvenile offenders all of the procedural protections available in the adult system.

The one procedural issue that remains is the ability to impose a state prison term at a proceeding initiated in juvenile court. In Massachusetts, an individual may not be subjected to "infamous penalty," or imprisonment in state prison, without first having his or her case presented to a grand jury.⁵⁰ Since the "trial first" proposal subjects youthful offenders to the possibility of imprisonment in state prison, those juveniles retain the right to indictment. The "trial first" proposal thus requires the Commonwealth to proceed by indictment in any case in which an adult sentence is sought.

Because a probable cause hearing on a complaint and a hearing before a grand jury seeking an indictment are alternative means for establishing probable cause to hold a juvenile for trial,⁵¹ utilizing the indictment mechanism in the "trial first" proposal resolves constitutional questions that may arise and streamlines the processing of serious juvenile cases. The indictment takes the place of the lengthier "Part A" hearing in current transfer proceedings, and is significantly less time-consuming than conducting an adversarial probable cause hearing before a judge in the juvenile court. As a result, "trial first" eliminates one phase of the current transfer process -- the

were an adult, in which case the trial is by a jury of twelve persons).

⁵⁰ See *Brown v. Comm'r of Corrections*, 474 N.E.2d 1059, 1061-62, 394 Mass. 89, 93-94 (1985); *Jones v. Robbins*, 74 Gray 329 (1857)

⁵¹ See *Charles C. v. Commonwealth*, 612 N.E.2d 229, 235, 415 Mass. 58, 68 (1993) (quoting *Laurie v. District Court of E. Hampden*, 320 N.E.2d 877, 881, 366 Mass. 525, 530-31 (1974)).

Part A hearing -- in a constitutionally sound manner.³³

A significant difference between trial in the adult court and trial in the juvenile court is that delinquency proceedings are closed to the public in all cases but murder.³⁴ Traditionally, exclusion of the public from delinquency cases has been maintained to reduce stigmatization, and thereby further the capacity for rehabilitation of juvenile offenders.³⁴ While the principle of confidentiality is important, it is not based upon a fundamental due process right and ought to be balanced with the interests of public safety.³⁵ The "trial first" proposal addresses this issue by opening juvenile courtrooms to the public for hearings on the most serious offenses in which an adult sentence is sought, and allows the court to remain closed in all other cases.³⁶ The bill provides the judge with discretion to exclude the public if the court determines that certain information should remain confidential in the interest of the juvenile.³⁷

³³ See *id.* at 68.

³⁴ See MASS. GEN. L. ch. 119, § 65 (1993).

³⁵ See CHAMPION & MAYS, *supra* note 6 at 38.

³⁶ See News Group Boston, Inc. v. Commonwealth, 568 N.E.2d 600, 603, 409 Mass. 627, 632 (1993) (legislative amendment to provide that public cannot be excluded from juvenile proceedings when offender is charged with murder does not abridge any due process or equal protection rights)

³⁷ Specifically, the bill provides that juvenile proceedings are open to the public if the offender is charged with murder in the first or second degree, manslaughter, armed assault with intent to rob or murder, rape, forcible rape of a child, kidnapping or armed burglary.

³⁸ See News Group Boston, Inc., 568 N.E.2d at 604, 409 Mass. at 633.

Restructuring the system to have the trial take place first is as much a matter of common sense as it is a tool to streamline the process. If enacted, "trial first" will ensure that victims and witnesses no longer wait countless months and participate in multiple hearings before the issue of guilt or innocence is resolved. Furthermore, inverting the process is fundamentally more fair for juvenile defendants who are quite often detained in secure custody during the pendency of the transfer proceedings and the trial.

VII. ABOLITION OF TRIAL DE NOVO

Elimination of the two-tiered trial process from the juvenile justice system is an important aspect of the proposed legislation. As previously mentioned,³⁸ the trial *de novo* system affords juvenile offenders the unique opportunity to receive two trials for the same case. The legislative proposal eliminates the two-tiered system, thereby increasing the efficiency of processing juvenile delinquency cases. Juveniles still maintain the right to a jury trial in every case, including the right to a jury of twelve members for any case that would be tried only upon an indictment if the juvenile were an adult.

The abolition of trial *de novo* in the juvenile system is a necessary step toward improving the court system's overall response to juvenile delinquency. In providing two trials the current statutory scheme fails to hold a juvenile accountable for his actions in a meaningful and timely manner. Furthermore, it confers upon juvenile offenders a benefit that is no longer available to adult defendants: "two bites at the apple." Finally, the current system needlessly subjects victims and witnesses of crimes committed by juveniles to two court proceedings on the same charges,

³⁹ See *supra* Section V.

This provision marks a significant change from the current requisites under the law.

Presently, as long as an offender has not attained the age of seventeen, a case must be brought initially in the juvenile court, even if the offender has previously been transferred to the adult court after a transfer hearing.⁶¹ Therefore, the Commonwealth is required to conduct another transfer hearing each time a juvenile who has already been transferred to the adult criminal justice system faces a new charge.⁶²

This permanent status determination is a mechanism to sift out those juveniles who clearly do not belong in the juvenile system. It advances the principle that the limited resources of the juvenile justice system should be allocated to juveniles who may be able to benefit from its rehabilitative programs, and not to those who may not, as determined by a court. From a public policy perspective, this provision communicates a warning to serious youthful offenders that the opportunities to be treated as juveniles have been exhausted, and age will no longer ameliorate the consequences of their actions.

IX. TRIAL FIRST IN PRACTICE: THE NEW MEXICO MODEL

The "trial first" component of the legislative proposal is based upon a model implemented in New Mexico, on July 1, 1993.⁶³ Like the Massachusetts "trial first" proposal, the New Mexico law mandates that the trial precede the amenability hearing, and creates a new category of "youthful offenders" who may be sentenced as juveniles or as adults after the amenability

⁶¹ See MASS. GEN. L. ch. 119, §§ 52, 74 (1993).

⁶² See *id*

⁶³ See 1993 N.M. Laws 77.

the same facts, and the same evidence.

In cases where the Commonwealth intends to seek an adult sentence, the elimination of trial *de novo*, in conjunction with "trial first," reduces a four-step process in juvenile transfer cases to a two-step process. Under existing law, a juvenile subject to a transfer proceeding may participate in four separate hearings: (1) a Part A or probable cause hearing; (2) a Part B or amenability hearing; (3) a trial; and (4) a trial *de novo*, if the juvenile is retained in the juvenile system.⁵⁹ Under the proposed legislation, the process would entail: (1) the trial, and if the juvenile is adjudicated a youthful offender, (2) an amenability/sentencing hearing.

VIII. PERMANENT STATUS DETERMINATION

Another key component of the proposed legislation is a permanent determination of the juvenile's status as an adult. Once a youthful offender has been sentenced as an adult after a trial and an amenability hearing,⁶⁰ he or she will be tried as an adult on any future criminal charges.⁶¹

⁵⁹ In cases in which the juvenile is transferred to the adult court, three separate hearings must be held: (1) Part A; (2) Part B; and (3) a trial.

⁶⁰ In order to sentence a juvenile as an adult after an amenability hearing under the "trial first" bill, the court must find that the juvenile presents a danger to the public and is not amenable to rehabilitation within the juvenile justice system.

⁶¹ An example of this provision in practice is as follows: A youthful offender has been tried and adjudicated in the juvenile court. An amenability hearing is held, at which the court finds the offender is both dangerous and not amenable to rehabilitation within the juvenile justice system, and sentences the offender to adult prison. Thereafter, the offender, who is still under the age of seventeen, commits another crime (e.g., a violent assault upon a prison staff member). The new criminal charges will be tried in the adult criminal court in the first instance.

hearing.⁶⁵

Current indications are that New Mexico's law has resulted in more juveniles being sent to prison.⁶⁶ Prior to adopting a trial first approach, figures from New Mexico demonstrated that between 1992 and June 30, 1993, only seven youth, ages fifteen to eighteen, were sentenced to

⁶⁵ New Mexico law defines youthful offender as follows:

"Youthful Offender" means a delinquent child subject to adult or juvenile sanctions who is:

(1) fifteen to eighteen years of age at the time of the offense and who is adjudicated for at least one of the following offenses (a) second degree murder, as provided in Section 30-2-1 NMSA 1978; (a) assault with intent to commit a violent felony, as provided in Section 30-3-3 NMSA 1978; (c) kidnapping, as provided in Section 30-4-1 NMSA 1978; (e) shooting at a dwelling or occupied building, or shooting at or from a motor vehicle, which results in great bodily harm to another person, as provided in Section 30-9-11 NMSA 1978; (h) robbery, as provided in Section 30-16-4 NMSA 1978; (i) aggravated burglary, as provided in Section 30-17-6 NMSA 1978; or (j) aggravated arson, as provided in Section 30-17-6 NMSA 1978;

(2) fifteen to eighteen years of age at the time of the offense and adjudicated for any felony offense and who has had three prior, separate felony adjudications within a two-year time period immediately preceding the instant offense. The felony adjudications relied upon as prior adjudications shall not have arisen out of the same transaction or occurrence or series of events related in time and location. Successful completion of consent decrees are not considered a prior adjudication for the purposes of this paragraph; or

(3) fifteen years of age and adjudicated for first degree murder.

N.M. Stat. Ann. § 32A-2-3. New Mexico also includes a category of "serious youthful offenders," which is an individual sixteen or seventeen years of age who is charged with and indicted or bound over for trial for first degree murder. A "serious youthful offender" is not a delinquent child. *Id.* These offenders are tried automatically in adult court.

⁶⁶ See CENTER FOR THE STUDY OF YOUTH POLICY, *supra* note 13, at 19. At present, it does not appear that studies have been conducted to test the rate at which cases proceed through the system after the trial first approach was adopted in New Mexico.

an adult (Department of Corrections) facility.⁶⁷ Between July 1, 1993 and June 30, 1994, after New Mexico's trial first legislation became effective, nineteen youthful offenders were sentenced to the Department of Corrections.⁶⁸ Moreover, as of October 28, 1994, five more youthful offenders had been sentenced to adult corrections.⁶⁹ According to a report issued by the Center

For Youth Policy, this dramatic increase in the number of youth waived has occurred even though there was no significant increase in the proportion of youthful offender adjudications during this time, nor was there an increase in the number of youth adjudicated for a Youthful Offender offense.⁷⁰

At a minimum, the New Mexico system has been responsible for ensuring that a greater proportion of serious juvenile offenders, deemed to be no longer amenable to treatment within the juvenile system, are sentenced appropriately as adults while at the same time preserving the essential aspects of the juvenile justice system.⁷¹

X. CONCLUSION

The recent legislative proposal including the "trial first" concept has shifted the debate on how to respond to youth violence by challenging the prevailing view that automatic transfer and similar "get tough" solutions are the only avenues for addressing juvenile crime.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

As mentioned earlier, accountability has two elements: (1) swift resolution of the case, which ensures that young offenders understand that their actions have consequences; and (2) imposition of an appropriate sentence that adequately addresses both long term public safety concerns and the rehabilitation potential of the juvenile. The proposed legislation advances these principles by streamlining the current transfer process and eliminating excessive delays which dilute the critical message of accountability, while at the same time preserving the unique capacity of the juvenile justice system to examine both the offender and the offense in crafting an appropriate sentence. By abolishing trial *de novo* in the juvenile justice system, the bill strengthens the ability to hold juvenile offenders accountable in each and every delinquency case. The permanent status determination ensures that the resources of the juvenile justice system are not wasted on offenders already determined to be not amenable to rehabilitation within that system. Finally, if preliminary results from New Mexico are a valid indicator, "trial first" has the potential to refine the decision-making involved in sentencing juveniles to ensure sentencing as adults when appropriate for public safety purposes.

The proposed legislation enables the determination as to whom should be sentenced as an adult to be made in an expeditious and procedurally fair manner. The bill enhances the integrity of the juvenile justice system and improves its ability to work on behalf of those juveniles who can best benefit from its services. It constitutes a critical component of a strategy designed to promote long-term public safety.

COMMUNITY BASED JUVENILE JUSTICE PROGRAM SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE

In order to reduce juvenile crime and to improve safety of schools and communities, District Attorney Ralph C. Martin, II established Community Based Juvenile Program in September of 1994.

This program has two purposes:

- to identify violent and chronic offenders who pose a safety threat to schools and communities. These juveniles will be prosecuted on a priority basis and the district attorney's office will ask for individualized sanctions to deter further violence.
- to develop interventions and programs for juveniles who are at risk for becoming chronic or violent offenders. These interventions are developed in collaboration with schools, child welfare agencies and community agencies.

In order to accomplish these purposes, The District Attorney's Office convenes regular roundtable meetings to discuss juveniles who pose a threat to schools or communities or whose behavior raises the advisability of service intervention. School personnel, law enforcement personnel and representatives from child welfare agencies participate in these meetings. These participants also work together to develop prevention and intervention programs based on the needs of the community.

It is our hope that by working with the schools, the community, and the courts that we can supplement the resources already in place and perhaps explore our ability to create and maintain additional resources, thereby expanding the violence prevention portion of the CBJJ Program.

Participants include representatives from:

District Attorney's Office
School personnel
Juvenile Probation Officers
Area police
MBTA police
Department of Youth Services
Department of Social Services

Current Sites:

Community Based Juvenile Justice Program (CBJJ) currently is established at five sites:

- In Dorchester: the roundtable includes Dorchester High, The Grover Cleveland School, the Wilson Middle School.
- In Roxbury, the Jeremiah E. Burke High School.
- In Jamaica Plain, English High School
- In Chelsea, Chelsea High School
- In Revere, Revere High School

CBJJ will further expand in 1996 to include more schools.

The CBJJ roundtables result in

- increased collaboration and communication among all of the participating agencies
- better understanding of these involved agencies and their roles
- clarification of legal issues and the court process.
- in-service training for schools on relevant issues.

Policy Initiatives

- truancy project involving the Boston Police, Boston Public Schools, District Attorney's Office.
- development of alternative education facility which would offer support and monitoring of juveniles released from DYS custody.

inclusion of district court domestic violence advocates in CBJJ roundtables to develop collaboration between schools and courts around issues of teen-dating violence.

For information about this program, please call:

Gretchen B. Graef, ADA
Director, Community Based Juvenile
Justice Program
Suffolk County DA's Office
(617) 725-8617

Julie A. Hardy, ADA
Community Based Juvenile
Justice Program
Suffolk County DA's Office
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Mary T. Tracey
Coordinator, Community Based Juvenile
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Suffolk County DA's Office
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States racing to prosecute young offenders as adults

By Adam Pertman
GLOBE STAFF

SAN DIEGO — The pizza delivery man probably thought he was on pretty safe ground when he refused to hand over his money; after all, the would-be robber stood barely 5 feet tall and had the gentle face of a child.

But Tony Hicks was 14, older than he looked, and authorities say he meant business when he allegedly shot the victim just over a year ago. Today, Hicks is scheduled to become the youngest per-

son in California history to be tried as an adult for murder — the latest example of a national shift toward treating youngsters who commit violent crimes as grown-ups in court.

"It's a real hot-button issue for our state's politicians ... and it's a very important trend in the entire United States," said Lisa Greer, a member of a joint legislative-gubernatorial task force studying juvenile crime. "You're talking about a fundamental change that speaks to very, very deep issues to us as a society and

JUVENILES, Page 21

as a culture."

Responding to a steep escalation in violent offenses by youths, politicians in every state are trying to enact laws making it easier to try young people as adults. By doing so, they are scrapping a century-old principle of US jurisprudence — that juveniles are so moldable that all but the rare exception can be rehabilitated — and replacing it with a system emphasizing punishment and public safety.

New Hampshire reformed its statutes in that direction just a few months ago, and already a 16-year-old and a 17-year-old face life sentences if convicted as adults on murder charges. And the Massachusetts House approved a bill last month that would require criminal trials for youths 14 and older charged with first- or second-degree murder; that action was prompted partly by a judge's decision to allow Edward S. O'Brien, a 16-year-old accused of murdering his Somerville neighbor, to be tried as a juvenile.

In Massachusetts, recent legislation allows a juvenile convicted of murder to serve as many as 20 years in prison, and defense attorneys have cited it to assure judges that youthful offenders, if tried as juveniles, will be adequately punished. In 1995, less than 10 percent of the 192 juvenile defendants charged with major crimes were tried as adults.

Besides the O'Brien case, two of the more prominent murder cases involving juveniles that have been kept in Massachusetts' juvenile court are those of Donnell Johnson of Jamaica Plain, who is accused in the 1994 murder of 9-year-old Jermaine Goffigan, and six of seven defendants accused in the baseball bat slaying of Edward Sullivan Jr. in Randolph, also in 1994.

Almost every state has now signed onto some version of the get-tough approach, at least for first-degree murder but increasingly for lesser crimes as well. Most give judges discretion on which route to take, but a growing number of states are making adult trials automatic or empowering prosecutors to choose — a controversial effort because judicial decisions are being placed in the hands of elected officials.

In addition, a handful of states have extended the process beyond murder to other serious crimes, such as rape and armed robbery, and a few are adding less-extreme offenses. Four states also have lowered the age for capital punishment to 17 from 18, and at least 21 states allow 16-year-olds to be executed.

"There's been a ton of activity lately ... maybe because it's an election year, maybe because conservative thinking has more sway now," said Melissa Sickmund, senior researcher at the National Center for Juvenile Justice in Pittsburgh. "But this isn't really a conservative-liberal issue; for better or worse, it's a response to soaring youth crime."

That increase has been dramatic as a result of more gangs, drugs and a host of other social and economic factors.

The National Council on Crime and Delinquency in San Francisco estimates that the number of teenagers arrested for violent crimes

rose from 600 per 100,000 in 1987 to 900 per 100,000 in 1993. Another study, released recently by the Justice Department, showed a similar 50 percent increase in juvenile arrests for violent crimes from 1988 to 1994, and it cautioned that the trend could accelerate in the next decade as the children of baby-boomers swell the number of juveniles by tens of millions.

While there is no dispute about the problem, the juvenile-as-adult solution has provoked controversy and debate.

Politicians and attorneys generally have championed this change, arguing that the juvenile justice system was created nearly 100 years ago to deal primarily with delinquency, not the types of major crimes now being committed. They say many young offenders today cannot be rehabilitated through standard methods, and citizens have to be protected.

On the other hand, child welfare advocates and many judges complain that the altered process not only robs courts of their ability to tailor punishments to specific cases, but also represents society's abandonment of redeemable youths. Critics also say there's no evidence to demonstrate that trying teen-agers as adults deters or cuts the crime rate.

"It's a feeling frenzy, and the juvenile offenders are the feed," said Jeff Fagan, director of the Center for Violence Research and Prevention at Columbia University in New York. "It makes people, mostly politicians, feel better to do something like this. So there's a political payoff ... but they're addressing the appearance rather than the reality."

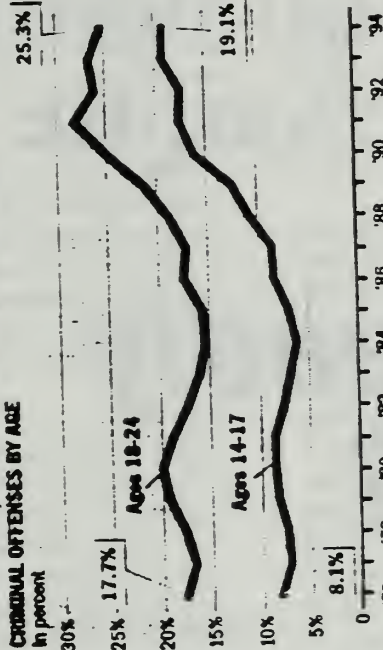
Dan Macallair, associate director of the San Francisco-based Center on Juvenile and Criminal Justice, echoed Fagan's analysis. Both men argued that a more productive and cheaper long-term solution — given the high costs of adult jury trials and long incarcerations — would be for

States seeking adult trials for young offenders

■ JUVENILES
Continued from Page 1

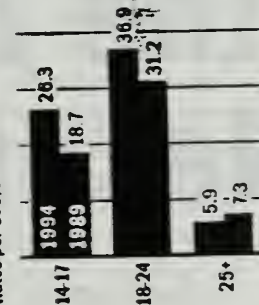
Youthful offenders

A look at the growing crime rates among teen-agers.



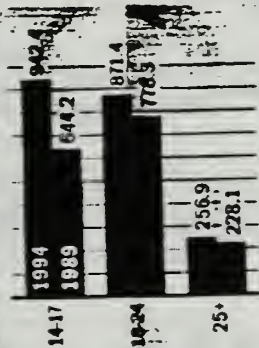
HOMICIDE ARRESTS BY AGE

Rates per 100,000



VIOLENT CRIME ARRESTS BY AGE

Rates per 100,000



SOURCE: National Center for Justice Statistics

GLOBE STAFF CHART

states to channel resources into prevention and intensive rehabilitation.

"A 14-year-old is not an adult, and there's still a period of significant development left to occur. I think it's awful, awful that we're collectively deciding to give up on them," Maculair said.

Even the people who study youthful offenders seem uncertain of all the implications of these changes. Edward Loughran, director of the Robert F. Kennedy Memorial National Juvenile Justice Program in

Boston, said no reliable statistics are available yet on what happens to juveniles once they enter the adult system — at what rate they reach plea agreements, as adults do, for lighter sentences or even how long they remain behind bars.

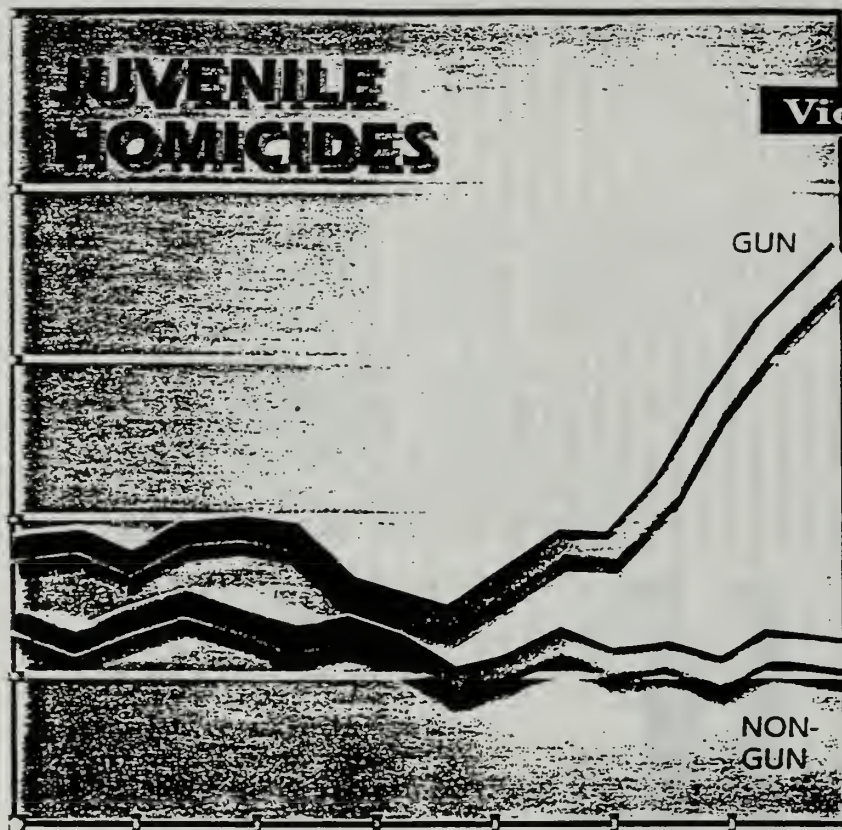
Loughran said the best insights so far are from Florida, which has tried juveniles as adults for 15 years. About two-thirds of the youths affected there receive lesser sentences than they would have in the juvenile system, so the state is reevaluating how to treat its young inmates.

"You put kids in prison and they're going to be raped, period," Loughran said. He added that young offenders imprisoned with adults "learn to become predators," whereas many are rehabilitated in juvenile systems, such as the one Gov. William F. Weld wants to change in Massachusetts.

Sickmund, the researcher in Pittsburgh, predicted states will encounter other problems no matter how effective the get-tough measures prove. She said few states have calculated the impact on crowded prisons, on caseloads that already are backlogged and on other matters such as bail rules and housing for defendants awaiting trial.

Nevertheless, state officials said they had to address public concerns, and they expressed confidence that trying more youths as adults ultimately will be effective.

"Our juvenile justice system was created at a time of more 'Leave it to Beaver' type crimes, less sophisticated and not incredibly violent," said Peter Deddeh, chief of the San Diego district attorney's juvenile division. "But what we see now is kids who have never been socialized properly ... who are real predators. ... Realistically, that's what we're trying to deal with."



Violence by Young People

Violence by Young People:

Why the *Deadly* Nexus?

by Alfred Blumstein

Despite evidence that aggregate rates of crime have been leveling off or even declining in the past two decades,¹ there continues to be widespread concern about the issue on the part of policymakers and the public. Indeed, among all issues, crime may be the

one perceived by Americans as most pressing.² When aggregate crime data are broken down by certain demographic and other variables, however, the otherwise flat trend shows major distinctions, indicating that the concern is understandable. Although gender and race account for much of the differences in crime rates,

age is the variable whose effect has been changing significantly in recent years. And while many of the national trends have remained strikingly flat, there has been some dramatic change in violent crime committed by young people.

The rise in juvenile crime

Data gathered from a variety of sources indicate that after a period of relative stability in the rates of juvenile crime, there was a major turning point in about 1985. Then, within the next seven years, the rate of homicides committed by young people, the number of homicides they committed with guns, and the arrest rate of non-white juveniles for drug offenses all doubled. The sudden upward surge in all three of these indicators, beginning with the increased drug trafficking of the mid-1980's, is the topic of this article.

Particularly relevant to future crime, and to consideration of prevention and intervention strategies, is the size of the current teenage population. The age cohort responsible for much of the recent youth violence is the smallest it has been in recent years. By contrast, the cohort of children ages 5 to 15, who will be moving into the crime-prone ages in the near future, is larger. This suggests that if current age-specific rates do not decline, planning needs to begin now to address the increase in crime likely to occur as this group grows older.

The age factor

That young people commit crime at a high rate is no revelation. Age is so fundamental to crime rates that its relationship to offending is usually designated as the "age-crime curve." This curve, which for individuals

typically peaks in the late teen years, highlights the tendency for crime to be committed during an offender's younger years and to decline as age advances.

For example, figures on rates of robbery and burglary, broken down by age, indicate that for both these crimes, the peak age of offending has been about 17, after which there is a rapid decline as the offender gets older. For burglary, the rate falls to half the peak by age 21, whereas the falloff for robbery is somewhat slower, reaching half the peak rate by age 25. The age-specific patterns are about the same for the most recent year data are available (1992) as they were in 1985.

Young people and murder. The age-specific patterns for murder present quite a different pattern: the trends for this crime have changed appreciably in the past decade. First, the peak is much flatter. For a fairly long period—1965 to 1985—the age at which the murder rate was highest remained fairly stable, with a flat peak covering ages 18 to 24. In other words, during this 20-year period, people in this age group were the most likely to commit murder, and it was in the age group of the mid-30's that the rate dropped to half the peak. Then, in 1985, an abrupt change began to take place, with the murder rate moving to a sharp peak at age 18 instead of the more traditional flat peak covering the entire 18-to-24 age group. (See figure 1.)

The change over time in the age-specific murder rate is striking, especially for the peak ages 18 to 24. (See figure 2.) Following an initial increase from 1965 to 1970, the rate remained stable (and about the same for all ages in this group) for about 15 years—from 1970 through 1985. Among people at the older end of this age spectrum—the 24-year-olds—

there has been no strong trend since 1970. But beginning shortly around 1985, murder by people under 24 increased, with the rate of increase inversely related to age. For people age 18, the increase was dramatic—it more than doubled.

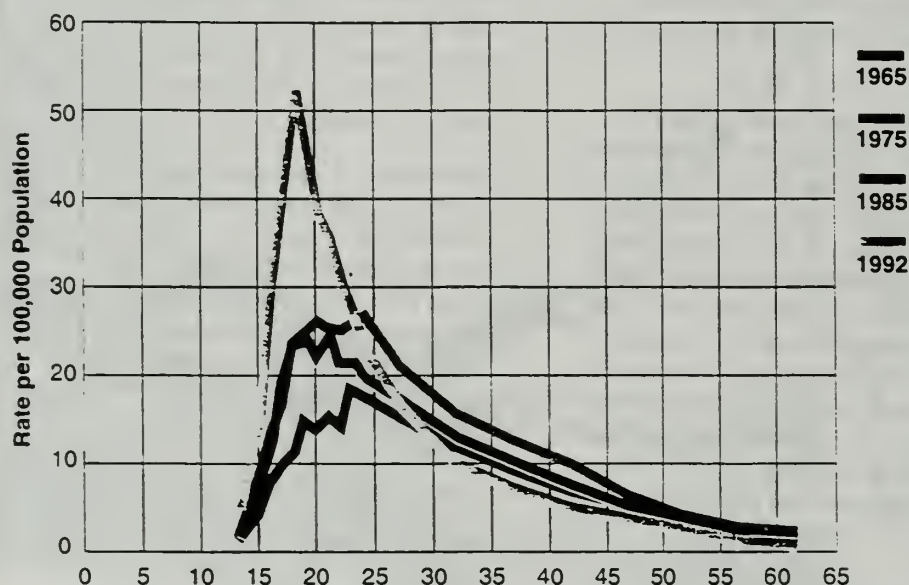
For people at all ages under age 18, the increase was equally dramatic—it too more than doubled. For 16-year-olds, for example, whose murder rate before 1985 was consistently about half that of the 18-to-24 peak rate, the increase between 1985 and 1992 was 138 percent. By contrast, for ages older than 24, there has been no growth, and even a decline for ages 30 and above.

"Excess" murders committed by young people. The increase in murder by very young people after 1985 has not at all been matched by increases among the older groups (ages 24 and over). Among them murder rates have even declined. Thus, much of the general increase in the aggregate homicide rate (accounting for all ages) in the late 1980's is attributable to the spurt in the murder rate by young people that began in 1985.

One can calculate the "excess" murders attributable to the rise in murder by young people over and above the average rate that prevailed for each of the young ages in the period 1970-85. In other words, this figure represents the number of murders that would not have been committed had the youth murder rate remained at its earlier, flat average. For the eight ages, 15 through 22, in the 7 years of 1986 through 1992, the number of "excess" murders is estimated to be 18,600. The number is a significant component of the overall number for that period; it accounts for 12.1 percent of the annual average of about 22,000 murders in those years.

Violence by Young People

Figure 1. Age-Specific Murder Rate: 1965-1992



Source: Age-Specific Arrest Rates and Race-Specific Arrest Rates for Selected Offenses, 1965-1992, Uniform Crime Reporting Program, Federal Bureau of Investigation, Washington, D.C.: December 1993.

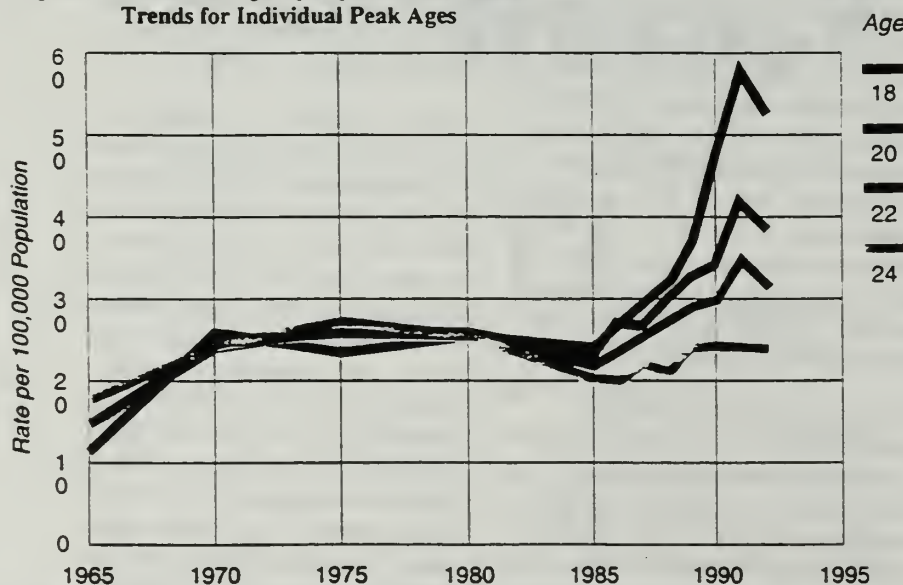
Race

There are important race differences in involvement in murder, both in the rate itself and the change since 1985. Among African-American males ages 14 to 17, murder rates have been about four to five times higher than among white males of the same age group, although for both groups the rates had remained fairly stable from the mid-1970's until the mid-1980's. (See figure 3.) Then, beginning about 1985, the rates rose for both groups, though the growth rate was much faster among blacks. For white males in this age group, their annual rate for murder was 8.1 per 100,000 in the period 1976 to 1987, after which it almost doubled in the next four years (from 7.6 in 1987 to 13.6 in 1991). In those four years, the arrest rate for murder by black males in this age group rose even faster, more than doubling (from 50.4 to 111.8 per 100,000).

Factors generating fear

Strangers. Persistent fear of crime is not caused by reviewing the aggregate rate of homicide and noting the absence of a trend. Rather, distinctive incidents or changing patterns of crime stimulate the anxiety levels. In particular, because young people are generally perceived to be more reckless than their elders, the growth in youth homicide conveys a sense that their killing is random. This is confirmed by the greater extent to which homicide by the young is committed against strangers. When victims seem to be selected at random, vulnerability is heightened: anyone can be a target. For example, the FBI's Supplementary Homicide Report for 1991 noted that 28 percent of the homicides committed by people under 25 were against strangers, whereas only 18 percent of those committed by offenders age 25 and above were against strangers.

Figure 2. Trends in Age-Specific Murder Rate
Trends for Individual Peak Ages



Source: Age-Specific Arrest Rates and Race-Specific Arrest Rates for Selected Offenses, 1965-1992, Uniform Crime Reporting Program, Federal Bureau of Investigation, Washington, D.C.: December 1993.

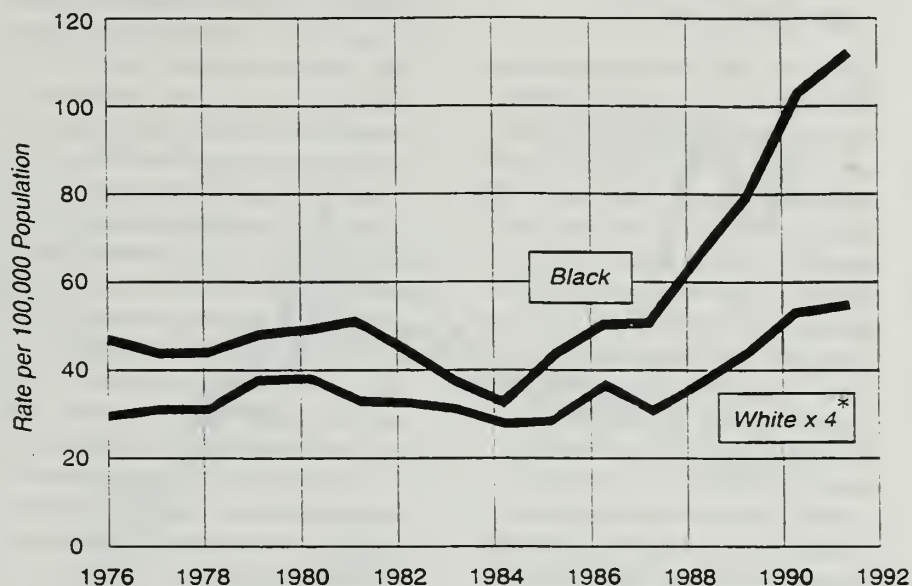
Guns. Also intensifying the fear of crime is the increasing involvement of guns in homicides committed by young people. This factor generates fear because of the recognition that young people are less likely to exercise the restraint necessary to handle dangerous weapons, particularly rapid-fire assault weapons. Data on the use of weapons in homicide reflect the same patterns described above: after a period of stability came an abrupt increase in the mid-1980's. Thus, from 1976 to 1985, a very steady average (59 percent) of homicides committed by juveniles involved a gun. Beginning in 1985, there was steady growth in the use of guns by juveniles in committing murder, leading to a doubling in the number of juvenile murders committed with guns, with no shift in the number of non-gun homicides. (See figure 4.)

Juvenile violence and the drug-crime connection

The public also has a vague sense of a link between the growth in juvenile violence and drugs. In part, this derives from recognition that, especially in the past decade, a major factor affecting many aspects of criminal behavior has been the illicit drug industry and its consequences. Beyond the offenses of drug sale or drug possession, the drug-crime link has been described as taking several forms:

- ◆ Pharmacologically/psychologically driven crime, induced by the properties of the drug. (The most widely recognized connection is between alcohol and the violence it induces.)
- ◆ Economic/compulsive crimes, committed by drug users to support their habit.
- ◆ Systemic crime, which includes the crimes committed as part of the regular means of doing business in the illicit

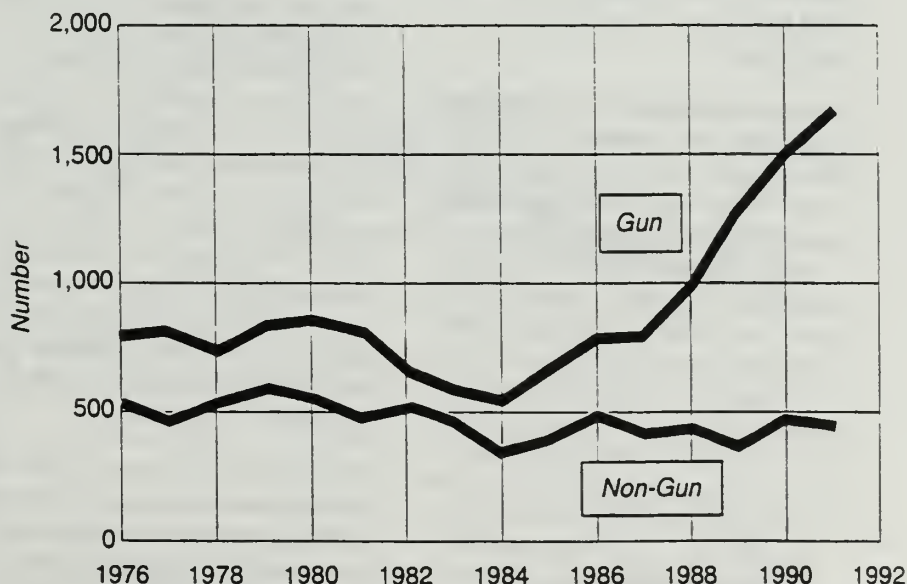
Figure 3. Homicide Arrest Rate of 14-17-Year-Old Males



* This rate is scaled up by a factor of 4 to put it on a scale comparable to that of blacks.

Source: The data were generated by Glenn Pierce and James Fox from the FBI's Supplementary Homicide Reports, which are based on reports of individual homicides submitted by the Nation's police departments.

Figure 4. Number of Gun and Non-Gun Homicides
Juvenile Offenders (ages 10-17)



Source: The data were generated by Glenn Pierce and James Fox from the FBI's Supplementary Homicide Reports, which are based on reports of individual homicides submitted by the Nation's police departments.

Violence by Young People

drug industry. (An example is the violence used to resolve disputes between competing traffickers.)³

There is a fourth, still broader connection of drugs to crime: the community disorganization effect of the illicit drug industry and its operations in the larger community. This effect includes the manner by which the norms and behaviors of the industry, which can become a significant activity in some communities, influence the behavior of people who themselves have no direct connection to drug trafficking. The effect could, for example, include the influence on others of the widespread possession of guns by drug sellers. When guns are so prevalent, people in the community might arm themselves, perhaps for self-defense, perhaps to settle disputes that have nothing to do with drugs, or perhaps just to gain respect. In other words, once guns are used within the illicit drug market, they become more prevalent in the larger community, and used for purposes unrelated to buying and selling drugs. Hence, they add to community disorganization well beyond what happens as a direct result of the drug industry.

Juveniles and illicit drug marketing. Drug arrest rates, especially for nonwhites, began to move upward in the early 1980's, and then accelerated appreciably after 1985 as the distribution of crack cocaine became widespread, particularly in inner-city areas. Among nonwhite juveniles, drug arrest rates were lower than those of whites in the 1970's, and were also fairly constant, until they began a very rapid acceleration until about 1985, doubling by 1989. This pattern contrasted with that of the 1960's and 1970's, when the rate at which young whites were arrested for drug-related offenses followed the pattern of whites, but stayed somewhat low. The arrest rate of whites then peaked in 1974 and then began a steady decline. (See figure 5.)

The acceleration in drug arrests of young nonwhites (primarily blacks) reflected a major recruitment of sellers to market crack, which required many more street transactions. The racial differences in arrest rates indicate the extent to which drug enforcement has focused on blacks more than on whites. The black-white difference is magnified also because black drug sellers tend much more often to operate in the street, where they are vulnerable to arrest, whereas white sellers are much more likely to operate indoors. The amenability of inner-city nonwhite juveniles to recruitment into the illicit drug industry was undoubtedly enhanced by their pessimism—or perhaps even hopelessness—as they weighed the diminishing opportunities available to them in the legitimate economy.

A proposed hypothesis

This striking array of changes in juvenile crime since 1985—a doubling of the homicide rate, a doubling of the number of homicides committed with guns, and a doubling of the arrest rate of nonwhites for drug offenses, all after a period of relative stability in these rates—cries out for an explanation that will link them all together. The explanation that seems most reasonable can be traced to the rapid growth of the crack markets in the mid-1980's. To service that growth, juveniles were recruited, they were armed with the guns that are standard tools of the drug trade, and these guns then were diffused into the larger community of juveniles.

Recruitment. The process starts with the illicit drug industry, which recruits juveniles partly because they work more cheaply than adults, partly because the sanctions they face are less severe than those imposed by the adult criminal justice system, and partly because they tend to be daring and

willing to take risks that more mature adults would eschew. The plight of many urban black juveniles, many of whom see no other comparably satisfactory route to economic sustenance, makes them particularly vulnerable to the lure of the profits of the drug industry. The growth in the drug arrest rate of nonwhite juveniles is evidence of this recruitment.

Guns as a means of self-protection. These juvenile recruits, like all participants in the illicit drug industry, are very likely to carry guns for self-protection, largely because in that industry guns are a major instrument for dispute resolution as well as self-defense. People involved in the drug industry are likely to be carrying a considerable amount of valuable product—money or drugs—and are not likely to be able to call on the police if they are robbed.

The diffusion of guns. Since a considerable number of juveniles can be involved in the drug industry in communities where the drug market is active, and since juveniles are tightly “networked,” at school or on the street, other juveniles are also likely to arm themselves. Again, the reason is a mixture of self-protection and status-seeking. Thus begins an escalation: as more guns appear in the community, the incentive for any single individual to arm himself increases, and so a local “arms race” develops.

The violent outcome. The recklessness and bravado that often characterize teenage behavior, combined with their lack of skill in settling disputes other than through physical force, transform what once would have been fist fights with outcomes no more serious than a bloody nose into shootings with much more lethal consequences because guns are present. This sequence can be exacerbated by the socialization problems associated with extreme poverty, the high proportion

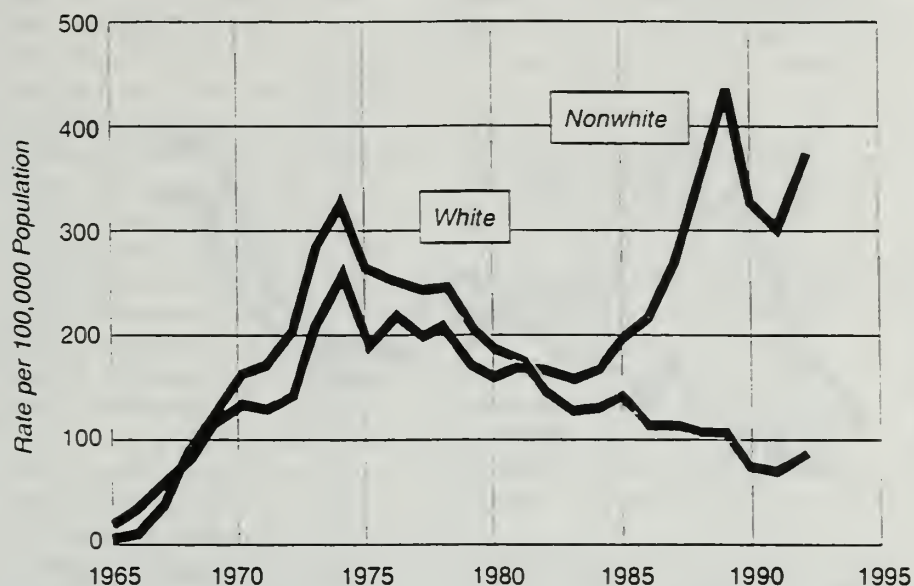
of single-parent households, educational failures, and the pervasive sense of hopelessness about one's economic situation.

It does appear, however, that by the time these young people move beyond their early twenties, they develop a measure of prudence. It may be that the diffusion process is far slower because adults are less tightly networked and less prone to emulate each other's behavior. Even within the drug industry, they appear to act more cautiously when they are armed, and to otherwise display greater restraint. However, there is some concern that the restraint that normally comes with age may not materialize in this particular age group. It is possible that a cohort effect may be occurring, with the possibility that the 18-year-olds currently responsible for the higher homicide rates may continue their recklessness as they get older. This possibility needs to be monitored and explored.

Evidence of the diffusion. The possibility that guns are diffused from drug markets to the larger community through juvenile recruits is further confirmed by the pattern of white and nonwhite arrests for murder. Since 1980, the murder arrest rates for adults, both white and nonwhite, have followed the same downward trend, and have shown no growth since 1985. (See figure 6.) By contrast, among juveniles the murder arrest rates for whites and nonwhites have grown markedly between 1985 and 1992. The increase among nonwhite juveniles was 123 percent (from 7.1 to 15.8 per 100,000). Among white juveniles the murder arrest rate also increased markedly, although by a lesser amount—80 percent (from 1.5 to 2.7 per 100,000). (See figure 7.)

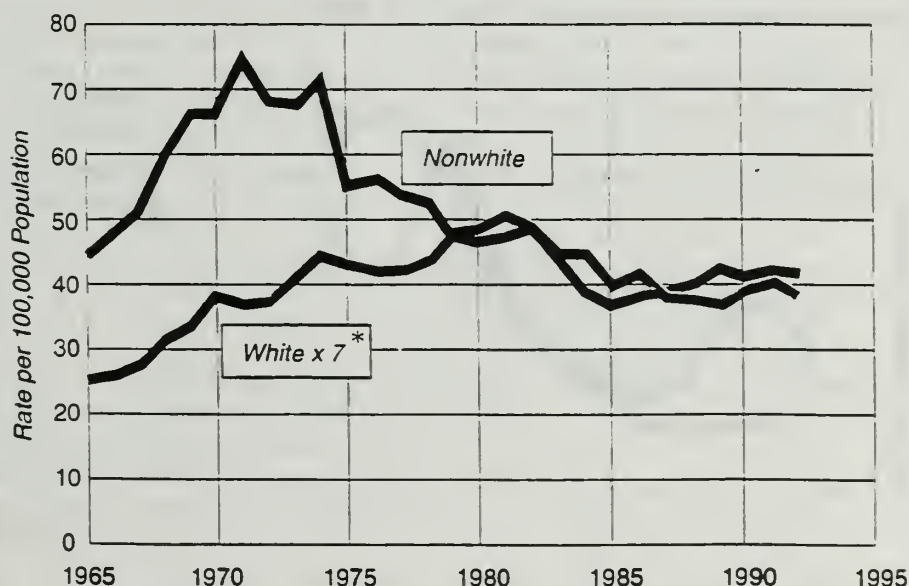
What is notable in these figures is that the murder rate rose among white as well as nonwhite juveniles since 1985, at a time when the drug arrest rate for

Figure 5. Drug Arrest Rate - Juveniles



Source: Age-Specific Arrest Rates and Race-Specific Arrest Rates for Selected Offenses, 1965–1992, Uniform Crime Reporting Program, Federal Bureau of Investigation, Washington, D.C.: December 1993.

Figure 6. Murder Arrest Rate - Adults

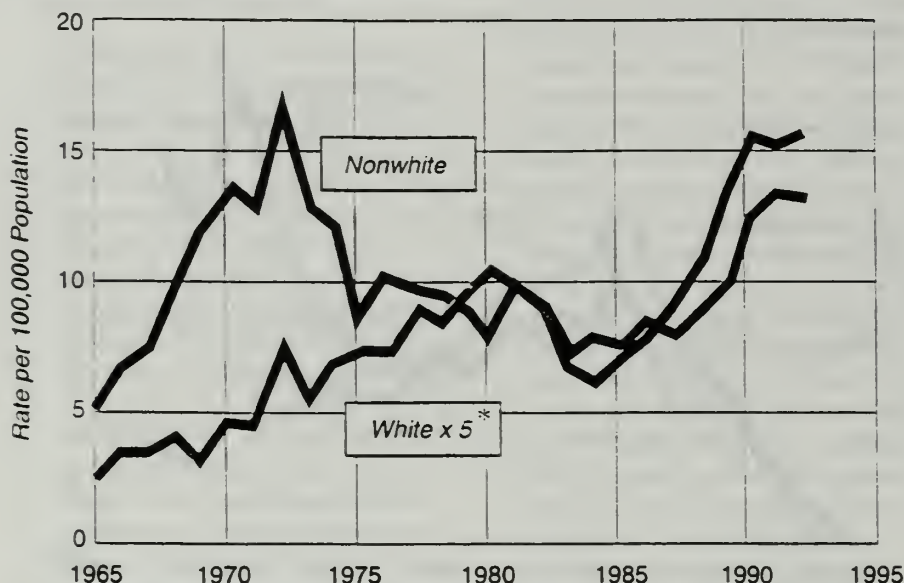


* This rate is scaled up by a factor of 7 to put it on a scale comparable to that of blacks.

Source: Age-Specific Arrest Rates and Race-Specific Arrest Rates for Selected Offenses, 1965–1992, Uniform Crime Reporting Program, Federal Bureau of Investigation, Washington, D.C.: December 1993.

Violence by Young People

Figure 7. Murder Arrest Rate - Juveniles



* This rate is scaled up by a factor of 5 to put it on a scale comparable to that of blacks.

Source: Age-Specific Arrest Rates and Race-Specific Arrest Rates for Selected Offenses, 1965-1992, Uniform Crime Reporting Program, Federal Bureau of Investigation, Washington, D.C.: December 1993.

nonwhites alone began to climb. Thus, the apparent absence of significant involvement of white juveniles in the drug markets during this time (figure 5) has not insulated them from the growth of their involvement in homicide, possibly through the suggested process of the diffusion of guns from drug sellers into the larger community.

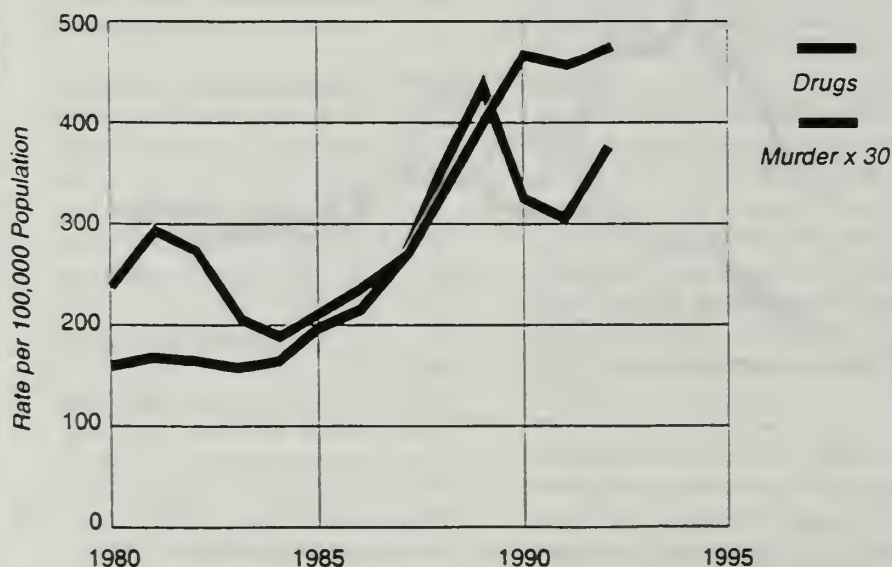
When the arrest trends of young nonwhites for homicide and drug offenses are compared (figure 8), it is evident that both rates climbed together from 1985 through 1989, suggesting the relationship between the two. The drug arrest rate declined somewhat after 1989. There was a flattening out, but no corresponding decline in the murder arrest rate. In other words, the continued high rate of murder arrests seems to demonstrate that once guns are diffused into the community, they are much more difficult to purge.

Reversing the trends

If the explanation outlined above is at all valid, it implies the need for solutions, some immediate and others longer range. One immediate approach would involve aggressive steps to confiscate guns from juveniles carrying them on the street. Laws permitting confiscation of guns from juveniles are almost universal, but they require more active and skillful enforcement. The need is particularly urgent in communities where homicide rates have risen dramatically, probably coincident with the appearance of drug markets. James Q. Wilson has made some concrete proposals for pursuing such efforts, including better devices for detecting guns from a distance.⁴

Also, in contrast to the intense pursuit of drug markets by law enforcement over the past 15 years, very little attention has been paid to the illegal gun markets through which guns are distributed to juveniles. This issue clearly

Figure 8. Nonwhite Juvenile Murder/Drug Arrest Rates



Source: Age-Specific Arrest Rates and Race-Specific Arrest Rates for Selected Offenses, 1965-1992, Uniform Crime Reporting Program, Federal Bureau of Investigation, Washington, D.C.: December 1993.

needs much greater attention. More complex in its implications for policy are the links among the magnitude of the criminal drug market, the use of guns in drug markets, and the juvenile homicide rate—the subject of this discussion. The presence of guns in drug markets results from the fact that these markets are criminalized. This does not, of course, warrant an immediate call for legalization of drugs. Any policy in the broad spectrum between full prohibition and full legalization involves carefully weighing the costs of criminalization (of which homicide is but one) against the probable consequences of greater use of dangerous drugs. The complexity of this issue prohibits its discussion here. However, if the diffusion hypothesis is correct, the impact on juvenile homicide represents one component of the cost of the current policy.

To the extent that efforts to diminish the size of the illegal drug market could be pursued (through greater investment in treatment, more effective prevention, or other health care initiatives responsive to addicts' needs), then although illegal markets would continue, the demand for drugs and the volume of drugs sold in the markets would diminish. A cost-benefit comparison of current policies and possible alternatives is needed but has yet to be made. Perhaps concern about the recent rise in the juvenile homicide rate might lend urgency to the issue.⁵

Notes

1. *Criminal Victimization in the United States: 1973–92 Trends—A National Crime Victimization Survey Report*, Washington, D.C.: U.S.

Department of Justice, Bureau of Justice Statistics, July 1994:1. In the period 1973–92, the highest rate of violent victimization was 35.3 per 1,000 persons, reported in 1981. That number fell until 1986, then started to climb, reaching 32.1 in 1992 (pp. 1, 9). National Crime Victimization Survey data do reveal a 5.6 percent increase between 1992 and 1993 in victimization for violent crime, principally because of a rise in attempted (as opposed to completed) assaults. "Crime Rate Essentially Unchanged Last Year," press release, U. S. Department of Justice, Bureau of Justice Statistics, October 30, 1994. Homicide rates show a flat trend similar to that for violent victimization (homicide figures are not included in the victimization survey). The homicide rate per 100,000 people was 9.5 in 1993, but the historical high occurred in 1980, when the rate was 10.2. *Crime in the United States, 1993: Uniform Crime Reports*, Washington, D.C.: U.S. Department of Justice, Federal Bureau of Investigation, December 4, 1994:13, 283.

2. A New York Times/CBS nationwide poll reported early in 1994 indicated crime or violence as the leading issue (cited by 19 percent of respondents), followed by health care—the subject of considerable public discussion at the time—with 15 percent. See Richard L. Berke, "Crime Joins Economic Issues as Leading Worry, Poll Says," *New York Times*, January 23, 1994.

3. This taxonomy of the drug-crime connection was developed by Paul Goldstein in "The Drug/Violence Nexus: A Tripartite Conceptual Framework," *Journal of Drug Issues* 15 (1985):493–506.

4. James Q. Wilson, "Just Take the Guns Away," *New York Times*, March 20, 1994. NIJ is now sponsoring research to aid in detecting concealed weapons. See page 35 of this Journal.

5. In my presidential address to the American Society of Criminology in November 1992, I suggested proposing establishment of a Presidential Commission to examine the costs and benefits of our current zero-tolerance policy and to contrast that with various possible alternatives. Such an assessment would require major research support from the National Academy of Sciences. (See Alfred Blumstein, "Making Rationality Relevant," *Criminology* 30:1–16.)

Alfred Blumstein, Ph.D., is J. Erik Jonsson University Professor of Urban Systems and Operations Research at Carnegie Mellon University's H. John Heinz III School of Public Policy and Management.

The research reported in this article is being extended with the aid of an NIJ grant on juvenile violence and its relationship to drug markets. Recently, Dr. Blumstein led a seminar about this research at NIJ: a 60-minute videotape of his presentation and responses to audience questions is available for \$19.00 (\$24.00 outside the United States) from the National Criminal Justice Reference Service, PO Box 6000, Rockville, MD 20849-6000; telephone 800-851-3420 or e-mail askncjrs@aspensys.com. Ask for NCJ 152235.



*Linda Pacheco argues, cajoles,
badgers, threatens, protests,
harasses, pleads, harangues,
pesters, shouts, and cries, all
in the name of —*



A LIGHTER MOMENT



Staff photo by Jack Iodan

Any drunk driver who has ever been up against Linda Pacheco probably never saw this smile, brought on by a shared joke with her son, Billy, a victim in a drunken-driving crash. The Westport mom draws her strength from Billy, devoting her energy to bringing DWI offenders to justice / C1



Linda Pacheco smiled broadly and spoke softly to the 30-year-old man in the wheelchair who was once her child. "Show me now strong you are," she said, her face bright as he squeezed her hand. "Now give me a high five." But silently, she grieved for the son that is gone forever, destroyed in a two-car crash 11 years ago on Route 88 in Westport.

From 1986-92, 949 children and teenagers were killed in motor vehicle crashes — with 706 of those dying aged 15 to 19.

The numbers may actually be much higher, said Mrs. Pacheco, executive director of the local chapter of Mothers Against Drunk Driving.

"Sometimes they may die a year or two or more later," she said. "They aren't counted anywhere."

Mrs. Pacheco grieves for the life her son could have had, outside of the walls of a nursing home, void of 24-hour medical care.

"As far as I'm concerned, my 18-year-old son died on Route 88. The kid that emerged from a coma and is now a man is not the young boy that I raised."

He is, Mrs. Pacheco said, often one of the uncounted victims of highway crashes.

He is, in some ways, the living dead. Nationally and across Massachusetts, the number of highway deaths is dropping, but there is growing evidence more who survive suffer severe head trauma or other serious injury.

When these victims die, sometimes years after the crashes and often due to complications from the injuries, they are never counted as one of the nation's fatalities.

One study released recently by the Johns Hopkins Center for Injury Research and Policy found the leading cause of injury death for teen-agers is motor vehicle crashes — with shooting deaths trailing in second place.

In Massachusetts, the study found overall, injury death rates for children and teen-agers are decreasing, but motor vehicle crashes still top the list.

Teen-agers are most susceptible to car crashes for a variety of reasons, driving inexperience, speeding and use of alcohol.

"Very often, at that age, they have that type of attitude of 'I'm going to live forever,'" said Lt. Manuel Ortega, head of the New Bedford Police Department's

(See BILLY, Page C2)

Photos by Jack Iddon

Text by Maureen Boyle

Linda Pacheco of Westport is the force behind the local chapter of Mothers Against Drunk Driving. This photo essay was taken at the Sarah S. Brayton Nursing Care Center in Fall River, where her son Billy resides. Doctors told his mother when Billy was injured 11 years ago that he would never speak or walk, and might not even survive. Today, as he nears his 30th birthday, he can move his left arm, he can smile and he can laugh. During their visits, she wheels him around the center, sits at the piano with him and holds his hand as only a mother can.



■ Billy

(Continued from Page C1)
of the New Bedford Police Department's juvenile division. "They have a tendency to have a heavy foot and will be drinking. Those are the two major causes of the crashes. When you're at that age, you also take more chances."

Sometimes tragedy strikes innocent victims — teen-agers just on the highway at the wrong time.

That's what happened to William Almeida, Mrs. Pacheco's son, on a sunny afternoon in July 1985.

He was driving a friend's car along Route 88 in Westport, coming back from Horseneck Beach, when a man who has since been convicted repeatedly of drunken driving crossed the highway and slammed into him.

Mr. Almeida — just 18 years old — was critically injured. Three friends in the car also were hurt.

The drunk driver ran away, leaving the crushed cars along the highway, and was caught days later.

Mr. Almeida was in a coma for three months. He had seven operations in the first month alone. Doctors said he would never speak, never walk, might not even survive.

Today, as he nears his 30th birthday, he can move his left arm.

He can smile. He laughs.

He can squeeze his mother's hand, give her a thumbs up.

He struggles to mumble words. Sometimes he can be understood, sometimes not.

"He's reliant 100 percent on care given to him," Mrs. Pacheco said.

But he is considered one of the lucky ones. Mrs. Pacheco now wonders if her son considers himself lucky. She wonders if he has fits of depression, how aware he is of the injuries, of what he has lost.

She wonders if she made the right decisions in fighting for her son's life. "I'm not so sure the Billy at age 18 would choose to live his life like this."

She thinks about what could have been, whether the injuries would have been as severe if he had been wearing a seat belt, if the car had had an airbag. How life would have been if they had stayed at the beach, if they had left earlier.

"I applaud a lot of his friends. They have gone on, had careers, some have families. I'm very happy for them, but it's painful to know it could have been him. He would have been one of them. He had a lot to offer," Mrs. Pacheco said.

But today, she sees hope in the little things in her son's life. She is encouraged that he tries to communicate, that he smiles, that he can eat — with help.

"How about a kiss?" she says to her son, leaning over his wheelchair at Sarah S. Brayton Nursing Care Center in Fall River.

He kisses her cheek. They smile.

"I was once convinced he would walk again," Mrs. Pacheco said. "You have to come to the point that you realize this is it. You have to face the truth."



JOHN J. DOLAN
FIRST JUSTICE

ANTONES. AGUIAR
JUSTICE

COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT OF THE COMMONWEALTH
DISTRICT COURT DEPARTMENT
ATTLEBORO DIVISION
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DAVID W. POWERS

ATTLEBORO DISTRICT COURT

MADD PROGRAM

The Attleboro District Court Probation Department and Mothers Against Drunk Driving have joined together in an effort to educate certain defendants under age 21 about the dangers of drinking and driving.

The "MADD Program" is a one and one-half (1½) hour seminar held at the Attleboro District Court under the direction of the Bristol County Chapter of Mothers Against Drunk Driving. The seminar may include a powerful talk from individuals on the front lines of the battle against drinking and driving, as well as talks from victims of drunk drivers.

Under the terms of the "MADD Program" certain defendants under age 21 who come before the court on a charge of:

- 1) Possessing alcohol
- 2) Purchasing or attempting to purchase any alcoholic beverage
- 3) Falsifying identification to purchase alcoholic beverages
- 4) Knowingly transporting alcoholic beverages, and
- 5) certain other alcohol related offenses

may be given the opportunity to enroll in the program and avoid a criminal "record", as well as criminal penalties. Any such complaints before the court may be continued without a finding of guilt for three to six months during which time the defendant must attend the seminar. A program fee of \$10.00 will be imposed, in addition to other costs and assessments.

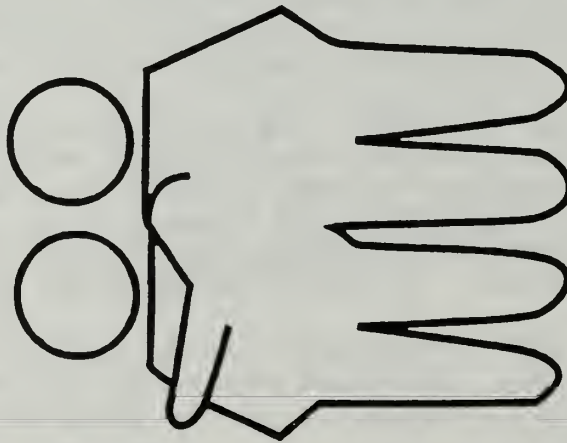
Upon completion of the program, the criminal charge may be dismissed, provided new criminal charges have not been brought prior to completion of the program.

If the defendant assigned to the program does not complete the "MADD Program" a GUILTY FINDING may be entered on the record, and criminal penalties may be imposed. Such a conviction will remain on the defendant's criminal record for a minimum of ten (10) years.

MADD

MOTHERS AGAINST DRUNK DRIVING

Partners in Prevention



"It takes a community to . . .
MAKE A DIFFERENCE"

IF YOU LIVE

The devices shown here are often used in the emergency department to repair the ravages of motor vehicle crashes. From the top



they are:

crutchfield tongs that screw directly into the skull, preventing movement so that this teenager's broken neck may heal (but he will remain paralyzed for the rest of his life); an artificial limb will never fully replace a young boy's leg, so badly mangled in an alcohol-related



motorcycle crash that it had to be amputated; a traction bed helps prevent bed sores and aids circulation by letting the patient look first at the ceiling for two hours, then at the floor for two hours, and so on (but she will remain in bed or a wheelchair for the rest of her life).



EMERGENCY NURSES

CARE

CHRIS

Chris was the type of kid who worked hard and played hard. His top priority in life was to have fun, something that he mastered with ease. Going to Colorado gave him every opportunity to do just that. Everyday was better and more exciting than the one before. He was backpacking, hiking, mountain climbing, mountainbike riding, repelling, skiing and using every facility that the college had to offer, including his favorites, basketball and racquetball. Chris used to say that he wished he never had to grow up, that being a kid was a lot more fun than being an adult.

On May 23, 1993, a drunk driver made Chris' wish come true. He was rollerblading to a friend's house and was struck from behind and killed instantly. His sister Amie buried her only brother the day of her Senior Prom. Chris' girlfriend put a flower on his coffin, instead of his tuxedo.

Chris will forever be nineteen, he will always be a kid. A fellow student wrote: Chris died the way he lived, he was having fun.

MIKE

Mike never thought of calling a taxi when he left the restaurant after drinking only three beers. On his way back to his hotel, Mike hit a tree. He broke his neck, suffered serious head injuries, and a Catholic Priest gave him his Sacraments. From the extent of his injuries, the odds of recovering were 1 in 5,000.

The next thing that Mike remembers is lying in a hospital bed two weeks later with a halo screwed in his skull and being told by his family of the crash. "I always felt that I was indestructible. I never thought it would happen to me, especially on only three beers." The doctors do not know how Mike recovered.

One beer effects your alertness, vision, reflexes and judgement. A false sense of security and ignorance to the effects of a small amount of alcohol almost cost Mike his life.

Could you also become the 1 in 5,000?



Buckle Up

The Silent Cry of the Victim

by Linda Pacheco,
Billy's mom

*The gift of life was stolen,
No grief or sorrow shown.
He stole away my only son.
Time has taken its toll.*

*At age eighteen,
the world was bis.
No longer will that be.
You see, dear Lord, my Billy
Has suffered brain injury.*

*He sits so quietly
Like he's in deep thought.
Only God knows his struggles
And the battles he has fought.*

*At age twenty-seven
He's grown into a man.
But his pain has been silent
Since the tragedy began.*

*Victim — survivor —
New names for him to bear.
The tragic thing is
That few people seem to care.*

*Like you, dear Lord,
The life of Billy was taken —
No longer is that be.
We lost our Billy
To the silent killer —
Traumatic brain injury.*

THE COST OF GOING TO COURT

The Fall River District Court Adult Probation Department and Mothers Against Drunk Driving have joined together in an effort to educate minors (age 17-20) about the dangers of drinking and driving.

The "MADD Program" is a two (2) hour seminar held at the Fall River District Court under the direction of the Bristol County Chapter of Mothers Against Drunk Driving. The seminar includes a powerful talk from individuals "on the front lines" of the battle against drinking and driving, as well as many of the victims of Drunk Drivers.

Under the terms of the "MADD Program" any minor who comes before the court on a charge of:

- 1) Possessing Alcohol
 - 2) Purchasing or attempting to purchase any alcoholic beverage
 - 3) Falsifying identification to purchase alcoholic beverages
 - 4) Knowingly transporting alcoholic beverages
- are given the opportunity to enroll in the program and avoid criminal penalties. The complaints before the court are continued without a finding for three to six months and costs totaling \$60.00 are ordered Court Cost (\$50.00) to the Fall River District Court, and (\$10.00) to Victim Panel Fees goes to MADD.

Upon completion, the charge is dismissed and the minor becomes eligible to have the charge/information removed from their record. The successful completion of the program keeps the door open for individuals to enjoy any number of careers that would be prohibited by a criminal record.

Non Compliance or not attending the "MADD Program":

If the minor does not attend and/or complete the "MADD Program" a GUILTY FINDING is entered on the record and a fine and/or Probation may be imposed. This conviction will remain on the record for a minimum of ten (10) years.

A mandatory license suspension of three (3) months for any person under the age of 21, is also imposed.

DRUNK DRIVING LAW (Old and New)

Old Law

FIRST OFFENSE

Incarceration: Not more than (NMT) 2 Years
Fine: \$100 - \$1,000
License suspended for 1 Year

ALTERNATIVE DISPOSITION

Probation with mandatory participation in Alcohol-Drug Education Program, paid for by defendant.

SECOND OFFENSE

Incarceration: (NLT) 14 Days (Mandatory).
(NMT) 2 Years
Fine: \$300 - \$1,000
License suspended for 2 Years
Hardship consideration in 1 Year.

ALTERNATIVE DISPOSITION

2 Years Probation
14 Days Confinement in an Alcohol Rehabilitation Treatment Program, paid for by defendant.

New OUI Law (effective 5/27/94)

FIRST OFFENSE

Incarceration: (NMT) 2½ Years
Fine: \$500 - \$5,000
License suspended for 1 Year
Day License (considered in 3 months)
Hardship in 1 Year

ALTERNATIVE DISPOSITION

Probation with mandatory participation in Alcohol-Drug Education Program, paid for by defendant.
License suspended for 45-90 Days
Suspension for drivers under age 21, is 210 Days

SECOND OFFENSE

Incarceration: (NLT) 60 Days (30 days Minimum Mandatory). (NMT) 2½ Years
Fine: \$600 - \$10,000
License suspended for 2 Years.
Day license considered in 6 Months
Hardship 1 Year

ALTERNATIVE DISPOSITION

2 Years Probation
14 Days confinement in an Alcohol Rehabilitation Treatment Program, paid for by defendant.
License suspended for 2 Years.
Day license considered in 6 Months



The Honor:
Judge John
O'Neil com
on the cou
program th
emphasizes
dangers of
alcohol.

"Advertisers spend millions of dollars year to give people the impression they drink to relax or enjoy a sporting event. Somewhere along the way they (minors) should be introduced to the danger alcohol," stated Judge O'Neil.

Mothers Against Drunk Driving

Commonwealth of Massachusetts

Trial Court of the Commonwealth
District Court Department
Fall River Division

CHIEF PROBATION OFFICER
GERALD P. SANTOS

Brochure printed with funds provided by:
Governor's Highway Safety Bureau



GOVERNOR'S
HIGHWAY SAFETY
William F. Weld, G

Youth crime has changed — and so must the juvenile justice system

TOM REILLY

On July 1, 1899, the first juvenile court in the United States was established in Cook County, Ill. It represented a dramatic shift in the way the criminal justice system and all of American society dealt with wayward or criminally involved youth. The new court was founded on the principle of "parens patriae" — the idea that children should not be treated as criminals but as wards of the state.

Parens patriae encapsulated the view that children were not fully responsible for their conduct and were capable of being rehabilitated. It gave rise to the ongoing practice of turning youthful offenders "delinquents" and not criminals. Parens patriae remains the underlying philosophy of the juvenile justice system in Massachusetts and across the country. Then and now, juvenile court was designed more to

protect the child than to punish bad behavior.

Until fairly recently, the juvenile justice system served our country and our children reasonably well. Beginning in the 1970s, however, the realities of juvenile crime began to change. Juvenile crime grew more violent and more common, and the system was unprepared. In recent years those changes have accelerated at an astonishing rate, and time and again the system has proven itself helpless under the crush.

Violent juvenile crime is increasing at double the rate of violent crime committed by adults. By the year 2005, the number of teen-agers between the ages of 14 and 17 will increase by 23 percent, and it appears likely that unless we change things now, those soon-to-be teen-agers will be the most violence prone in history.

Our juvenile justice system is outdated, designed to address infractions like truancy and petty theft. These were serious problems a century ago, but they bear no resemblance to the "routine" infractions of

the present day: everything from rape to crimes involving guns to cold-blooded murder. In 1996, juveniles are committing brutal crimes with such numbing regularity that it takes the most shocking failures of the juvenile justice system to respond to dramatize the out-of-touch mentality underlying it.

It makes no sense to change the system simply to navigate the current wave of public anger. We must instead reform the system to steer clear of the coming storm of violent juvenile crime. Parens patriae need not be fully abandoned. There are and will always be children who make poor choices, who need our help and who can be turned around. However, we cannot ignore reality. Crimes such as murder are serious; they cannot under any circumstances be excused or explained away. Here, hope for rehabilitation is a myth, and public protection must be the priority.

How can we possibly treat cold-blooded juvenile killers as "delinquents" and not as the dangerous predators their own actions

prove them to be? When a person, any person, brings himself to a point where he deliberately murders another human being, there is no going back. A mere hope for rehabilitation is nothing but a gamble on other people's lives. The public has a right to expect that a killer will never, ever have the chance to kill again. Juveniles accused of murder should be tried as adults and, if convicted, sentenced as adults.

For other crimes, determining whether a juvenile can be rehabilitated is problematic under the current system, so conducting the trial first makes sense. Once a determination of guilt has been made and the court has a clear view of the nature of the crime and whether or not a juvenile is dangerous or capable of rehabilitation, then a reasonable decision can be made whether to sentence as a juvenile or as an adult.

Even apart from these steps to hold juvenile offenders responsible, other aspects of the juvenile justice system must be reformed to achieve a proper balance between respect and sensitivity toward vic-

Tom Reilly is the district attorney for Middlesex County.

The Boston Globe: February 28, 1996

Workshop E
Preventing Teen Dating Violence:
The Yellow Dress

Preventing Teen Dating Violence: “The Yellow Dress”

- Moderator:** Mary Ellen Doyle, Member
Victim and Witness Assistance Board
100 Cambridge Street, Room 1104
Boston, MA 02202
(617)727-5200
- Dramatic Presentation:** “The Yellow Dress”
Deana’s Fund, Executive Producer
Kristen Baker, Actress
Mark Retallack, Pianist
- Panelists:** District Attorney Kevin Burke
Essex County District Attorney’s Office
One Museum Place
Salem, MA 01970
(508) 745-6610
- Trooper Jeanne Aeillo
Mass. State Police, Domestic Violence Prevention Unit
470 Worcester Road
Framingham, MA 01701
(508) 820-2664
- Lilie Atkins, Education Specialist
Learning Support Services, Mass. Dept. Of Education
350 Main Street
Malden, MA 02148
(617) 388-3300 ext. 396
- Monie Thia Chhay, Peer Leader
Teens Against Domestic Violence
Reaching Out to Chelsea Adolescents (ROCA)
103 Shirley Avenue
Revere, MA 02151
(617) 284-6281
- Lucas Gomes, Peer Leader
Project S.T.O.P. and S.P.E.A.K. O.U.T.
Community Counseling of Bristol County
170 High Street
Taunton, MA 02780
(508) 824-8882
- Alison Reynolds, Director
Deana’s Fund
P.O. Box 2
Topsfield, MA 01983
(617) 821-1087
- Coordinator:** Alyssa Kazin, MOVA

Art
Could Your
Daughter Ever
Be a Victim?

"My Boyfriend Hit Me!"

IT'S NOT LOVE
Why would a
girl stay in a
relationship
with a boy who
hits her? Fear
and a false
sense of his
love are two
reasons.

R **FC** By Marianne Jacobbi

Rebecca Wentz was a 15-year-old honor roll student when she fell in love for the first time. It was March 1991, her freshman year at Quaker-town Community High School in Pennsylvania, and she'd just started dating Dan, "a popular junior, 17, from the next town. 'He was a big sports star around here,'" Rebecca says. "Everybody liked him."

At first, things with Dan were great. But six months after they started dating, he began to show a different side, insisting Rebecca not talk to other guys. "He even had his friends spy on me at school," she says. Rebecca thought that meant Dan loved her.

As the months passed, he became more controlling, telling Rebecca what to

wear and constantly checking up on her. He also became aggressive, roughhousing with her in jest. Although his behavior intimidated Rebecca—Dan was, after all, a 180-pound bodybuilder—she accepted it as normal.

The first time he hurt her, in the fall of 1991, she was late picking him up from wrestling practice. "He was so upset he pushed me on the ground in front of his friends," recalls Rebecca. Shocked and embarrassed, she wondered how someone she loved, someone she'd been intimate with, could treat her that way. Later Dan apologized and vowed never to do it again.

Soon, however, he was lashing out at Rebecca whenever she made him angry. "One time, when I smiled at a store clerk, Dan slapped me and called me a slut," says Rebecca. On another occasion, at a shopping mall, he punched her in a rage of jealousy.

Each time Dan assaulted her, Rebecca forgave him. "I always felt it was my fault," she says. "I shouldn't

Freelance writer Marianne Jacobbi's last FAMILY CIRCLE report was "The Gambling Epidemic."

WARNING SIGNS

If you notice several of the following red-flag behaviors or signals, it could indicate that your daughter is in a violent relationship.

1. She's stopped seeing friends or has given up favorite activities.
2. She has fallen behind in school.
3. She is suddenly hostile and secretive.
4. She is moody, withdrawn or depressed.
5. Her boyfriend is possessive and jealous of other boys, her girlfriends and her family.
6. Her boyfriend keeps tabs on her.
7. Her boyfriend uses alcohol or drugs.
8. She seems afraid of her boyfriend and fears breaking up with him.
9. She has bruises she can't explain.

● A teenage girl involved in a violent relationship needs support from her family and professionals in order to break free. Talk with your daughter, and enlist the help of one of her friends if necessary. But try to stay neutral about her boyfriend. The last thing you want to do is drive your daughter away. She must come to the decision to end the relationship on her own. Offer to go into counseling with her. Above all, let her know you love her and are concerned for her safety.

For more help, contact your local battered women's shelter or hospital (many offer domestic violence programs that include teens).

A SURVIVOR:
It took Rebecca
Wentz almost
two years to
break free of
her abusive
high school
boyfriend. Her
biggest fear
today is that
he's hurting
another girl.

have walked that way, dressed that way, talked to that person." She stayed with him for nearly two years.

A Silent Epidemic

"Teenage dating violence is where domestic violence was 10 years ago," says Adolph Montaña, a counselor at Project PAVE in Denver, which helps teen abusers and victims. In fact, one in four teens in the United States is involved in an abusive dating relationship, according to David B. Sugarman, Ph.D., professor of psychology at Rhode Island College. What's more, they may be starting a ▶▶▶▶▶▶▶▶

*Names followed by an asterisk have been changed.
1. Photos: Dianne Cody/FPQ (top); ROB & BAS (bottom).

▶ ▶ ▶ ▶ ▶ ▶ ▶ From page 85

"I always felt everything was my fault."

cycle of violence that never ends. "It's toxic," says Carole Sousa, head of the Dating Violence Intervention Project in Cambridge, Massachusetts. "Without intervention, these kids are headed for more of the same."

The Lure of Love

How can smart, successful young women like Rebecca fall under a violent boyfriend's spell? Many girls are attracted to abusive boys because they're initially charming and romantic—they sweep girls off their feet, explains therapist Barrie Levy, co-author of *What Parents Need to Know About Dating Violence* (Seal Press, 1995). "You don't have to have low self-esteem to fall for that," adds Sousa.

of them have told me that they'd rather keep seeing a guy, no matter how much it hurts, than be without him," she says.

But every minute a girl remains in an abusive relationship, she risks her future—and her life. "The experience hinders her academic development and her career choices," points out Sousa. It also puts her in danger, since dating violence, like marital abuse, escalates over time. According to the FBI, 29 percent of all female murder victims in 1993 were slain by a boyfriend or husband.

The Isolation Trap

The typical pattern of teen violence starts with verbal and emotional

LIFE LESSONS
Boys who lash out at girlfriends are often childhood abuse victims themselves.

Rebecca began staying out past curfew, and her grades dropped as well. Her parents weren't quite sure what to make of her behavior; they thought Rebecca was simply rebelling. The possibility that she was being beaten by her boyfriend never occurred to them—nor does it occur to many other parents. FAMILY CIRCLE's 1995 survey of mothers and daughters, conducted with YM

magazine, found that while 31 percent of mothers report that their daughter has been hit, shoved or verbally abused by her boyfriend, in fact more than half (53 percent) of the teenage girls who responded report having been abused in one of these ways. What's more, 56 percent of mothers don't believe that any of these abusive behaviors has ever happened to their daughter at all.

Regina and her husband didn't learn the truth about Rebecca and Dan until 18 months after the two had started dating. Rebecca was home one afternoon in November 1992 with her 12-year-old brother, 14-year-old sister and Dan.

She and Dan were arguing about his abuse when a friend of his suddenly burst into the house and attacked Rebecca and her sister, Rachel. "He told me, 'If I can't hurt you, I'll get someone who can,'" says Rebecca. Dan and the attacker fled. "My heart was in my throat," Regina says of the scene she discovered when she came home moments later. Rebecca had surface cuts on her hand, and Rachel's stomach was bruised.

Regina called the

▶▶▶▶▶▶▶▶

STOP THE VIOLENCE

Why Some Boys Batter

● Boys hit their girlfriends for many of the same reasons that men batter their wives. "Either they were victims growing up or they observed violence in their neighborhoods or their families," explains teen counselor Chuck Turner. "They're doing what they've been groomed to do."

And young abusers, like older ones, find countless ways to rationalize their violence. "It's never their fault," says Turner. "They'll say, 'She made me look bad. She knows not to do that. She deserved it.'"

Where teenage boys differ, however, is in their susceptibility to peer pressure; they live in a world

dominated by it. Unlike most adult batterers, adolescents will strike their girlfriends in front of others as a way of maintaining their peer status and macho image, explains Turner. "It's how they show people who's in charge. One boy will say to another, 'What's wrong with you? Put your girl in check.' Now he's on the spot. He doesn't want to be seen as a wimp, so he has to do something."

If you suspect your son may be abusing his girlfriend, you must take the problem seriously, warns therapist Barrie Levy. "If you ignore it now, it will probably get worse later."

Teaching young abusers how to be men without

resorting to violence takes time, but experts are optimistic that the change can happen with group counseling and role modeling. "You're dealing with behavior that's based on a very deeply ingrained set of values," says Project PAVE counselor Adolph Montaña. The key, believes Turner, is teaching them basic respect. "Counseling will help these boys understand that their behavior causes pain. From there they can begin to see that it's possible to be whole without being violent."

You can play a big part in preventing your son from ever hitting a girlfriend at all by fostering healthy relationships, setting a good marital example and getting across the message that violence is unacceptable.

For other girls, especially very young ones, the attraction stems from a lack of experience and from peer pressure. Many teens are learning about intimacy for the first time. Sousa points out. "This naiveté makes them much more susceptible than adults," she explains. Levy, who has worked with battered women for 20 years, has seen girls as young as age 12 involved in abusive relationships because they feel pressure to have a boyfriend—any boyfriend. "So many

abuse. "Then the boy tries to put a wedge between the girl and her parents, so that her source of support is unavailable," explains Sousa.

That's exactly what Dan did. Rebecca had always been close with her parents. But once she started seeing Dan, that all changed. "Rebecca used to confide in me," says her mom, Regina. "All of a sudden, she stopped communicating. And if I said 'no' to her about something, she'd go out of control, yelling and screaming."

DANGER AHEAD

Early Warning Signs of Teen Dating Violence

Are you going out with someone who...

- Is jealous and possessive toward you, won't let you have friends, checks up on you, won't accept breaking up.
- Tries to control you by being very bossy, giving orders, making all the decisions; doesn't take your opinion seriously.
- Is scary. You worry about how they will react to things you say or do. Threatens you, uses or owns weapons.
- Is violent: has a history of fighting, loses temper quickly, brags about mistreating others.
- Pressures you for sex, is forceful or scary around sex. Thinks women or girls are sex objects. Attempts to manipulate or guilt trip you by saying "If you really loved me you would..." Gets too serious about the relationship too fast.
- Abuses drugs or alcohol and pressures you to take them.
- Blames you when they mistreat you. Says you provoked them, pressed their buttons, made them do it, lead them on.
- Has a history of bad relationships and blames the other person for all the problems. "Girls just don't understand me."
- Believes that men should be in control and powerful and that women should be passive and submissive.
- Your family and friends have warned you about the person or told you they were worried for your safety.

The Story Behind The Yellow Dress

Deana's Fund

P.O. Box 2
Topsfield, MA 01983
(508) 887-7180

THE YELLOW DRESS program was conceived by Sydney Hayes, artistic director of Paetche Productions. After producing a previous play for the anti-smoking campaign of the Mass. Department of Public Health, Sydney saw the importance of an educational program regarding teen dating violence. With help from HAWC (Help for Abused Women and their Children) and the Essex County District Attorney Kevin Burke's office, Syd wrote music for and produced a play, written by Deborah Fortson, that integrates original music and hard research in a way that both educates and entertains.

Deana's Fund was established in 1995, after the death of Deana Brisbois, as a not-for-profit organization. Its goal is to fund programs and organizations to stem the tide of domestic violence. Deana's Fund began supporting THE YELLOW DRESS productions at the suggestion by members of HAWC in Salem. Deana's Fund has financed development and pilot-shows for THE YELLOW DRESS. The production has received no funding from the state, nor any other sources.

THE YELLOW DRESS saw its debut as part of "Our Voices," a day-long program at Endicott College for high school students. The hard work by Syd Hayes, the fine-tuning of the program, and weeks of auditions all paid off. When the play concluded, the crowd of students rose to their feet to give the one-woman production a standing ovation. Since then, demand for the play from schools throughout the North Shore has

Sydney Hayes' one-woman play, THE YELLOW DRESS, powerfully serves the purpose of the Deana's Fund, familiarizing the audience with the nature of abusive relationships. The story of a young girl, full of life and dreams, is cut short by a relationship which grows deadly. By showing the warning signs of an abusive relationship - behavioral changes and specific kinds of incidents - THE YELLOW DRESS provides invaluable insights. The play dramatically demonstrates the dangerous patterns in its characters lives teaching audience members to diagnose the symptoms if they appear in their own lives.

The special power of the play is in winning the sympathy of the audience. The girl is warmly familiar, and her world is clearly one we all recognize as our own. This character could easily be a loved one, a family member - or even oneself.

A special workshop has been created to follow the show, as a forum for discussing the points of the play. A staff of professional counsellors who specialize in relationship issues are on hand to answer questions and guide discussion. In conjunction with local healthcare facilities, we provide accurate information, and lead urgent inquiries to the appropriate resources. All students will receive information about the warning signs of abusive relationships, and a hotline number for those who need further help.

Requests from New England schools to host THE YELLOW DRESS have been very enthusiastic - and incredibly numerous! We are anxious to get to them all as quickly as possible.

Imagine how many would benefit from this presentation! An average of 300 students view each production, with perhaps three productions a day at a given school (one for sophomore, junior, and senior classes). By speaking to so many students, we hope to teach important facts: that some 190,000 women are abused each year in Massachusetts by their significant others. This tragedy affects not only the individuals, but also the society we share. In just medical expenses and absenteeism, it costs businesses in MA millions of dollars annually. We hope to teach our youth to recognize and to stop the patterns of abuse in their lives before they enter adult society and the workplace.

According to The Boston Globe, 1/3 of women under the age of 20 experience violence in their dating relationships. And 60% of women in abusive marriages say that battering began during dating. Abusive patterns in relationships are established early. Young men and women must learn to recognize abusive relationships, and to deal with the problem before it's too late.

Deana's Fund is a not-for-profit organization. All donations are tax deductible.

For further information, contact:
Syd Hayes
P.O. Box 233
Pride Crossing, MA 01965
508 • 921 • 4701

You Can Help





KEVIN M. BURKE
District Attorney

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE
DISTRICT ATTORNEY FOR THE EASTERN DISTRICT
SALEM NEWBURYPORT LAWRENCE

Museum Place
One East India Square
Salem, Massachusetts 01970

TELEPHONE
SALEM (508) 745-6610

PARTNERSHIPS FOR VIOLENCE PREVENTION

HIGHLIGHT OF ACCOMPLISHMENTS

JULY, 1994 - JUNE 1995

PARTNERSHIPS FOR VIOLENCE PREVENTION during its second year of operation continues to work closely with the 34 cities and towns in Essex County to address violence prevention and intervention strategies. District Attorney Kevin M. Burke calls for a community response to violence prevention, recognizing the need to provide a framework for collaboration between the schools, police, community agencies, parents and youth. To this end, a coordinated multidisciplinary community effort has been developed, providing consultation, education, information and referral services within Essex County. Promoting the theme "**ZERO TOLERANCE FOR VIOLENCE IN SCHOOLS, HOME AND COMMUNITY,**" *Partnerships for Violence Prevention* has:

- Helped to develop a greater awareness of the need for a shared community approach to violence prevention;
- Provided assistance to schools, communities, and police in the development and/or expansion of violence prevention / intervention programs;
- Facilitated a collaborative, multidisciplinary county-wide approach to violence prevention; and
- Developed a clearinghouse of information and resources around the issues of violence prevention.

These efforts have been accomplished through:

TRAININGS

- Providing more than 189 hours of direct training for over 8000 students and 900 educators, police and community members representing 34 communities within Essex County and the surrounding Boston area on topics including teen dating violence, violence prevention strategies, school climate, crisis intervention, discipline policies and procedures to keep schools safe, student responsibility and gangs.

CONSULTATION/TECHNICAL ASSISTANCE

- Offering more than 130 hours of technical assistance to over 30 school systems and communities in Essex County and area looking at program development and prevention strategies to address the community concerns around increasing youth violence.

COMMUNITY COLLABORATION

- The development of "Community Collaborative Initiatives" in seven North Shore communities to facilitate better communication between agencies and coordinated prevention and intervention services for "high" youth between the courts, schools, police and the Departments of Mental Health, Social and Youth Services.
- Coordinating efforts towards the development of the "Community Crisis Response Network" to provide referral and crisis debriefing resources for the northern portion of Essex County in collaboration with the Lawrence Public Schools, the Lawrence Housing Authority, Greater Lawrence Mental Health Center, Lawrence Adolescent Violence Prevention Project, Northern Essex Mental Health, Lawrence General Hospital and representatives from other local community groups.

RESOURCE CLEARINGHOUSE

- The development of a violence prevention survey and resource guide for area school systems to collect and share information on prevention programs being offered in schools, curriculum resources, including sample policies and protocols, as well as community resources.

**FOR MORE INFORMATION,
QUESTIONS, AND/OR TRAINING SUGGESTIONS CONTACT:**

***KAREN WILK, PROGRAM COORDINATOR
PARTNERSHIPS FOR VIOLENCE PREVENTION
ESSEX COUNTY DISTRICT ATTORNEY
KEVIN M. BURKE'S OFFICE
(508)745-6610 x134***

FAX (508)741-4971

REPORT ON MASSACHUSETTS'

STATE WIDE TEEN DATING VIOLENCE PREVENTION/INTERVENTION

INITIATIVE

APRIL, 1996

HISTORY

In July 1993, the Governor William F. Weld signed an Executive Order establishing the Commission on Domestic Violence. The Commission seeks to protect victims of domestic abuse by coordinating a multi-disciplinary response to the ongoing epidemic of Domestic Violence.

On September 16, 1994, the subcommittee on community education and teen dating violence prevention made a preliminary report with recommendations to the Commission on teen dating violence prevention issues. The Commission endorsed the report and recommended that the subcommittee also make its report and recommendations to the Board of Education.

On October 14, 1994, the Lt. Governor Paul Cellucci, Piedad Robertson, then Secretary of Education along with the subcommittee chairs, Carole Sousa and William Baker recommended the Board of Education incorporate the following in it's endeavors to address the issue of teen dating violence in the schools.

- *Endorse the importance of schools as part of any preventative strategies for teen dating violence;*
- *Urge superintendents and school committees to include issues of teen dating violence in any school-based violence prevention strategy, including school based support groups for victims of dating violence and school based adolescent offender groups;*
- *Assist school districts with model policies and procedures for intervention at a school;*
- *Direct the Department to provide technical assistance and training for appropriate strategies;*
- *Assist with professional training for school personnel on issues of dating violence;*
- *Include workshops on teen dating violence in any Department sponsored violence prevention conference;*
- *Work with superintendents, principals, police chiefs, the Executive Office of Education and the Executive Office of Public Safety to develop model protocols and procedures to assist principals and other school-based personnel when schools are notified of restraining orders; and*
- *Include questions about dating violence in the questionnaires for future Risk Behavior reports.*

The Board unanimously adopted the subcommittees recommendations which came to be known as the Teen Dating Violence Initiative.

Also in October 1994, An Act Relative To The Prevention Of Teen Dating Violence, House No. 5391, was sponsored by Representative Barbara Gardner. After a series of public hearings the legislation was passed. The efforts of Representative Gardner not only drew public attention to the issue of teen dating violence but also led to the allocation of funds through the Department of Education to support the Teen Dating Violence Initiative.

The Governor's budget for FY96 included in Health Protection Funds, account #70320500, "No more than \$250,000.00 shall be expended for teen dating violence prevention..."

In June of 1995, based on the recommendations of the subcommittee on community education and teen dating violence prevention, the Governor's Commission on Domestic Violence voted unanimously to ask the Board of Education to incorporate the subcommittee's recommended changes and additions to the Health Curriculum Frameworks. Those recommendations address issues of abuse and neglect in relationships.

The 1995 Youth Risk Behavior Survey report administered by the D.O.E. included two questions that related to teen dating violence for the first time:

- *"The last time you were in a physical fight, with whom did you fight?" The answers include "With a boyfriend, girlfriend or a date."*
- *"During your life, has anyone ever had sexual contact with you against your will?" The answers include "No one has ever had sexual contact with me," "Yes", "No".*

In October 1995, Carole Sousa made a report to the Board of Education, updating them on the progress of the initiative and requesting that the Board assign Karkilie Atkins as Commissioner Robert Antonucci's representative to the Governor's Commission and that she serve on the community education and teen dating violence prevention subcommittee. The Commissioner approved this recommendation.

GRANT ALLOCATIONS

Of the \$250,000.00 allocation \$215,000.00 was awarded to thirty one school districts through a competitive grant process. Grant recipients represent urban, suburban and rural school communities throughout the commonwealth. See attached sheet. One hundred and three school/community collaborations applied for funding.

The remaining \$35,000.00 was allocated towards hiring a consultant to provide technical assistance and to fund a research/evaluation component.

A grant review committee representing the Department of Education, the Executive Office of Education and the Governor's Alliance Against Drugs scored and ranked the grant proposals. The general grant request was \$10,000.00. The average award was reduced to \$7,699.00 in order to fund more communities. Grant recipients are now in the process of submitting revised budgets to Karkilie Atkins, DOE.

In addition the Department of Education provided in depth technical assistance to approximately 75% of the communities who were not funded. Technical assistance included education on what a comprehensive application should include along with directions on taking steps toward addressing teen dating violence prevention.

The purpose of this grant is:

- *To develop school-based teen dating violence prevention and intervention strategies with training and support from experienced practitioners;*
- *to enable school personnel and community members to recognize warning signs of Teen Dating Violence and to familiarize them with resources;*
- *to help schools develop educational programs and strategies to prevent teens from becoming involved with dating-related violence and to offer safe intervention strategies; and*
- *to link schools with resources and support services that are available in their communities.*

Some additional creative goals of the grant recipients are to:

"address teen dating violence prevention and intervention by training bilingual, special/vocational and health educators in curriculum subject topic." **Somerville**

"create a teen dating violence video and peer leadership presentation." **Taunton**

"educate over 700 students grade 7 through 10 in the area of teen dating violence awareness, prevention and intervention." **Spencer/East Brookfield**

"provide intensive training to 100 selected staff." **Cambridge**

"organize a regional effort which will include a teen hotline, dating violence conference and parent workshops." **Amesbury**

"hold informational programs for parents and students, support groups for teen victims: informational literature and peer leader training manuals; and posted signs in girls' bathrooms dealing with warning signs and referral information." **Marshfield**

STAFFING

Carole Sousa was hired by the Department of Education as a Technical Assistance Consultant to the initiative. Her role is to oversee curriculum and awareness trainings to coordinate an end of the year report and to provide general technical assistance to school/community based collaborations.

Karkilie Atkins, Learning Support Services DOE, was assigned grant manager responsibilities.

Gilman Hébert, DOE, serves as supervisor to the initiative staff.

CURRICULUM TRAINING AND EDUCATION

One of the main goals of the initiative is preventative education. The Dating Violence Intervention Project in collaboration with the Criminal Justice Training Council has been providing training in the Council's Teen Dating and Domestic Violence Program Curriculum. Seven training programs have been scheduled from November 1995 through March 1996. The training consists of intensive three days on curriculum and an optional fourth day is offered for those interested in facilitating school based groups.

Twenty nine of the thirty one grant recipients have staff either registered for or have completed the training sessions. As a result of the grant process one hundred twenty two individual educators, police officers and school staff have completed the training program to date. An additional two hundred are registered for upcoming trainings.

REGIONAL AWARENESS TRAININGS

In addition to the curriculum trainings five regional awareness trainings are scheduled in February and March. The goal of these trainings is to raise community awareness about issues concerning teen dating violence, to strengthen school/community collaborations and to provide guidance to school administration on guideline, policy and procedure development.

The trainings will be sponsored by the following school districts: Wachusett Regional, Northeast Metro Regional Vocational, Taunton, West Springfield and Martha's Vineyard.

MEDIA/PUBLICITY

A reporter from the Wall Street Journal is writing an article on Massachusetts' efforts in addressing the issue of teen dating violence.

ABC World News Tonight is also interested in doing a TV segment on Mass. Teen Dating Violence initiatives and has been sent a packet of information.

Media advisories and sample press releases are being distributed to local communities.

CONTINUED EFFORTS

The Governor's Commission on Domestic Violence requested funding for the continued support and expansion of the initiative. \$300,000.00 was submitted in the Governor's budget for FY97.

A mailing will be sent out to Legislators inviting them to participate in the regional awareness training and local school/community collaborations will be encouraged to send thank-you letters to their legislators and also to ask for continued support.

The subcommittee on community education and teen dating violence prevention of the Governor's Commission on Domestic Violence discussed the issue of quality control and supervision of local programs. Concerns were raised around maintaining the highest safety standards for the school based victim support groups and perpetrator intervention groups. The sub-committee decided to request that the Department of Public Health survey certified batterer intervention programs to solicit ideas toward developing guidelines for quality control in running the young perpetrator groups. The Department of Public Health has been asked to develop a list of programs which would be available to provide supervision to group facilitators in the schools.

The Department of Public Health will be researching possible funding for a comprehensive research project which would evaluate all aspects of the Teen Dating Violence Prevention/Intervention Initiative. In addition the Department of Public Health is informing it's programs i.e. Batterer Intervention Programs, Rape Crisis Centers, School Based Clinics and Challenge Funds about the Teen Dating Violence Prevention/Intervention Initiative and suggesting ways these programs might be involved.

Future guidelines will be recommended to the Commission.

This report was compiled by Carole Sousa.



WILLIAM F. WELD
GOVERNOR

KATHLEEN M. O'TOOLE
SECRETARY

COLONEL CHARLES F. HENDERSON
SUPERINTENDENT

The Commonwealth of Massachusetts

Department of State Police

DOMESTIC VIOLENCE PREVENTION SECTION

470 WORCESTER ROAD

FRAMINGHAM, MASSACHUSETTS 01701

The State Police DVP Section was a 1994 Winner of the Governor's Manuel Carballo Award for Excellence in Public Service

Members of the DVP Section can be reached at (508)820-2664.

The unit provides community education regarding family violence, with a focus on teen dating violence. At the core of the unit is a three-session curriculum called Preventing Teen Dating Violence. This curriculum was written by the Dating Violence Intervention Project in Cambridge, and is appropriate for middle and high school students. Each session will last approximately 35-45 minutes, depending on the school's schedule. The course is very interactive, and relies upon student participation. The first session encourages students to identify behaviors which are abusive, and those which are respectful. The second addresses gender-role stereotyping, and how it relates to dating violence. For the third session, either a survivor of abuse will share his or her story, or a video will be used, to help the students identify the early warning signs of abuse, and skills for dealing with abuse.

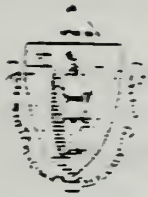
Programs are also available to students on issues related to child abuse and sexual assaults. A presentation can usually be tailored to meet the school's needs and time constraints. Our programs are by no means limited to middle and high school students. We are available to elementary schools and colleges as well. The unit also provides workshops and seminars for teachers' groups, counselors, parents' groups, health care and other professionals on domestic and dating violence, sexual assaults, and child abuse. We also instruct police officers on the investigation of these crimes.

If a group is interested in having someone from our unit present a program, a staff member should send a written request to us. It should include the following information: target audience (include age and gender); group size; time allotted; number of sessions; and approximate dates. If a school wants the entire Preventing Teen Dating Violence curriculum, that should be noted. Don't hesitate to call us if you'd like to discuss your group's particular concerns; we're happy to work with you, to determine how we can best meet your needs.

There is no fee required for us to present any program, however, we may ask for assistance in making copies of handouts.

In 1994, the first full year of the unit's existence, we conducted programs for:

6,412 students	565 Health Care Providers
1,035 Police Officers	280 Faculty
205 Parents	450 Other Professionals



THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE
DISTRICT ATTORNEY FOR THE EASTERN DISTRICT
SALEM NEWBURYPORT LAWRENCE

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WHAT CAN SCHOOLS DO TO RESPOND?

CRIMINAL ISSUES PERTAINING TO TEEN DATING VIOLENCE AND CONSIDERATIONS FOR SCHOOL POLICY DEVELOPMENT

With the alarming statistics indicating that dating violence affects at least 1 in 10 teen relationships it is becoming paramount that schools develop policies to respond to the increase and severity of interpersonal violence. Policies need to address methods to increase awareness of the issues for both students and staff, and to give the clear message to students, staff, and the community that violence will not be tolerated. The development of policies and procedures will help create a school climate that is supportive, respectful, and committed to providing a safe environment conducive for learning. The following information was prepared in the spirit of such efforts promoting violence prevention and intervention. Additionally, the development of a multidisciplinary approach including the police, courts and community should be considered to best address these issues in a coordinated manner.

WHAT ARE COMMON CRIMES THAT MAY BE COMMITTED BETWEEN STUDENTS?

ASSAULT (M.G.L. ch.265, §13A)

is an attempt or offer to do bodily injury by force or violence or an attempt to batter.

ASSAULT AND BATTERY (M.G.L. ch. 265, §13A)

is a harmful or unpermitted touching of another, no matter how slight, without a legal right to do so.

ASSAULT AND BATTERY BY MEANS OF A DANGEROUS WEAPON

(M.G.L. ch. 265, §15)

is a battery with a dangerous weapon. A DANGEROUS WEAPON is an item which is used in a way that is capable of causing serious injury or death to another person.

Examples can include a pencil aimed at one's eye, a cigarette used to burn someone, a baseball bat, a pair of scissors, and even a shod foot.

THREATS (M.G.L. ch. 275, §4)

it is illegal to make verbal or written threats which a victim reasonably believes the defendant can commit.

STALKING (M.G.L. ch. 265, §43(a))

is the willful, malicious and repeated following or harassing of an individual AND making threats with intent to place that person in imminent fear of death or serious bodily injury.

STALKING IS A CRIME THAT THE SCHOOL MUST REPORT TO THE POLICE.

WHAT SHOULD SCHOOL PERSONNEL DO IF ANY OF THE ABOVE CRIMES ARE COMMITTED IN SCHOOLS?

School policies should address the consequences, including suspension and/or expulsion for any known criminal activity. Policies should include the steps for disciplinary action, recommended interventions, plans for assuring the victim's safety, and protocols for notifying administrators, parents and police.

WHAT ARE CONSIDERED SEXUAL OFFENSES?

INDECENT ASSAULT AND BATTERY ON A CHILD UNDER 14

(M.G.L. ch. 265, §13B)

is an intentional, offensive indecent touching of a child under the age of fourteen. Consent is not a defense to the touching.

INDECENT ASSAULT AND BATTERY (M.G.L. ch. 265, §13H)

is an intentional, offensive touching of a person fourteen years of age or older, without their consent.

NOTE: An indecent touching is an offensive touching of the breast, abdomen, buttocks, thighs, or genital area, portions of the anatomy considered to be "private."

RAPE OF A CHILD UNDER THE AGE OF SIXTEEN

(Statutory Rape", M.G.L. ch. 25, §23)

is the unlawful sexual intercourse or unnatural sexual intercourse with a child under sixteen years of age. A child under the age of sixteen is incapable, as a matter of the law, to consent to sexual intercourse, unless married to their partner.

RAPE OF A CHILD UNDER SIXTEEN BY FORCE OR THREAT

(M.G.L. ch. 265, §22A)

is the unlawful sexual intercourse or unnatural sexual intercourse with a child under the age of sixteen with the use of force or threats. It is the use of force or threats which distinguishes this crime from "statutory" rape.

RAPE (M.G.L. ch. 265, §22)

is sexual intercourse or unnatural sexual intercourse committed against one's will with the use of force or the threat of bodily injury. Rape includes penetration into any bodily orifice (mouth, anus or vagina by a penis, finger, tongue or any other object.)

WHAT SHOULD SCHOOL PERSONNEL DO WHEN THEY DISCOVER A CRIME INVOLVING SEXUAL ABUSE HAS BEEN COMMITTED?

School personnel are *MANDATED REPORTERS* in accordance with M.G.L. ch.119, §51A, and therefore must report cases of sexual abuse, including rape and indecent assault and battery involving students under the age of eighteen.

WHAT DOES THE LAW MANDATE?

The law mandates that school personnel, including administrators, teachers, and counselors who **HAVE REASONABLE CAUSE TO BELIEVE THAT A CHILD UNDER THE AGE OF 18 IS SUFFERING SERIOUS PHYSICAL OR EMOTIONAL ABUSE/NEGLECT INFLICTED UPON HIM/HER INCLUDING SEXUAL ABUSE MUST IMMEDIATELY REPORT SUCH INCIDENT(S)** to the Department of Social Services.

The law does not ask the mandated reporter to assess whether the perpetrator was in a caretaking role. Rather, it requires the mandated reporter to file a 51A report **WHENEVER THERE IS REASONABLE CAUSE** to believe a child under the age of eighteen is suffering from abuse/neglect. The verbal (phone) report must be made immediately, followed by a written report within 48 hours. A staff member as a Mandated Reporter, of a public or private school must immediately notify the designated person in charge or responsible for receiving such information. That person then becomes responsible for filing the report. **FAILURE TO COMPLY** with the statute may result in a fine of \$1,000.00. *Mandated Reporters are not liable in any civil or criminal actions by filing a report.

NOTE: It is recommended that school systems develop and implement policies and procedures to

- address the issues of sexual abuse including
- procedures for filing 51A reports in compliance with the Reporting Law;
- procedures for informing administrators, police and parents about sexual assaults; and
- policies for dealing with victims and perpetrators of sexual assaults.

INTERVENTION FOR ABUSIVE RELATIONSHIPS

WHAT IS A 209A (Restraining Order)?

THE ABUSE PREVENTION ACT (M.G.L. ch. 209A)

is the statute often referred to as a "Restraining Order;" it provides protection from abuse.

ABUSE IS DEFINED BY THE OCCURRENCE OF ONE OR MORE OF THE FOLLOWING:

- attempting to cause or causing physical harm;
- placing another in fear of imminent serious physical harm;
- causing another to engage involuntarily in sexual relations by force, threat or duress.

NOTE: EACH OF THE ABOVE ACTIONS CAN BE CONSIDERED ASSAULTIVE CRIMINAL OFFENSES INDEPENDENT OF AN ACTUAL RESTRAINING ORDER. (Refer to previously described crimes.)

WHO CAN APPLY FOR A RESTRAINING ORDER?

THE STATUTE APPLIES TO INDIVIDUALS WHO:

- are or have been in a substantial dating relationship;
- are or were residing together in the same household (including gay and lesbian relationships, roommates, couples living together, parents and children);
- are related by blood, related by marriage or were related by marriage; or,
- are or were married to each other.

WHAT DOES A 209A DO?

Issued by a judge through the courts, a 209A Order places additional limits on the interactions between two parties for protection from further abuse.

WHAT LIMITS CAN BE IMPOSED BY THE COURTS?

A 209A ORDER MAY INCLUDE:

- an order that the defendant refrain from abusing, hurting or harassing the plaintiff in any way, verbally or physically;
- an order that the defendant stay away from the victim at home, work, school or any other place the victim may be (this may include staying away from places the plaintiff's child may be);
- an order that the defendant vacate the household (regardless of who holds the title to the house);
- an order for the defendant to surrender guns, firearm license or identification
- an order for temporary custody and/or support for minor children;
- an order for monetary awards for personal damages, out-of-pocket expenses for changing locks, repair of personal property, etc....;
- an order for a police escort to collect belongings, an order for the batterer to turn over keys or car;
- an order that the victim's address be kept confidential for protection (IT IS IMPORTANT THAT THE VICTIM'S ADDRESS NOT APPEAR ON ANY DOCUMENT TO WHICH THE DEFENDANT HAS ACCESS.); and,
- the judge can recommend that the defendant attend a recognized batterer's treatment program.

HOW DO 209A ORDERS GET ISSUED?

209A ORDERS MAY BE ISSUED BY ANY TRIAL COURT IN MASSACHUSETTS
(including all Probate and Family, District and Superior Courts.)

The district court location for the issuance of an order must be:

- either the court covering the victim's residence where the abuse occurred, or
- the district court for the victim's new address if s/he relocates to avoid further abuse.

IT IS ESSENTIAL THAT THE ORDER BE ISSUED BY THE PROPER COURT.

WHAT HAPPENS IF AN ORDER IS VIOLATED?

VIOLATION OF A 209A ORDER IS A CRIMINAL OFFENSE. It is critical that the victim's safety be considered at all times. As long as the 209A is in effect on the given day, a copy of the certified order is on record, and it is believed that a violation has occurred, the police should be notified. A violation is considered to be the abuser's non compliance of the limits, restrictions or demands of what is written on the 209A order.

WHAT CAN A SCHOOL SYSTEM DO TO HELP PROTECT A STUDENT WHO HAS TAKEN OUT A RESTRAINING ORDER?

Staff and student awareness of dating violence issues are increased through training, policy development and implementation. It is hoped that all students will have an understanding of the school's sensitivity and commitment to insure safety for students who have obtained a restraining order through the court, through the utilization of safety plans and development of protective measures in school. School systems may want to develop their policies in collaboration with the police, courts, shelter legal advocates and the D.A.'s office. With this in mind, students should be encouraged and feel comfortable in approaching administrators to assist them in the process, so that the appropriate actions and safety planning will occur.

ONCE THE SCHOOL IS NOTIFIED OF A STUDENT'S RESTRAINING ORDER:

- The school administrator may want to hold SEPARATE meetings with each student and his/her family to gather any information, review the order and the implications.

Included as a part of this meeting should also be an agreement as to who this information will be shared with.

- A "Safety Plan" should be worked out to address the victim's needs, including "safety stops," staff to report to if concerns arise or a violation occurs, and any schedule changes that may be considered. This meeting should include a discussion of guidelines for appropriate behavior of the victim, such as not making comments to others which may inflame the situation.
- With the named defendant, it is important to review the terms of the order, expectations around appropriate behavior, and the consequences for violation of the order.
- When possible it is important to address and make schedule changes to avoid face-to-face contact. When schedule changes are not possible, guidelines should be established around expected behavior.

WHAT GUIDELINES SHOULD BE CONSIDERED?

- It is important to establish clear guidelines around expected behavior in compliance with the issued order, for the benefit and safety of all parties. These could include: delineation of space between parties (feet, yardage, routes to classes), class or schedule changes. Giving a clear message that there be no exchange (verbal or non-verbal, threatening or non-threatening) of comments, notes, gifts, gestures is critical. This also includes no exchange of messages, notes, gifts through a third party friend, student or staff member.

NOTE: Given the reality of the close proximity within the school setting and / or the possibility of both students needing to remain in the same class, the order may need to be amended to reflect clear guidelines around contact in such instances.

- IT IS IMPORTANT TO UNDERSTAND THAT THE ONUS OF THE RESTRAINING ORDER IS ON THE DEFENDANT. A VICTIM CANNOT VIOLATE THE RESTRAINING ORDER, THOUGH REALISTICALLY, REASONABLE BEHAVIOR AND COOPERATION IS REQUIRED BY BOTH PARTIES.

WHAT SHOULD HAPPEN IF IT APPEARS THAT THE ORDER IS BEING VIOLATED?

- VIOLATION OF A RESTRAINING ORDER IS A CRIMINAL OFFENSE AND SHOULD BE TREATED SO, BY REPORTING IT TO THE PROPER AUTHORITIES. (Schools may want to develop their own internal reporting mechanism, but ultimately the violation must be reported to the police.)

NOTE: It is important that the school support the victim in reporting any violations that have been witnessed or reported. The school does not need to be the judge as to the violation, but should report the violation to the proper authorities for their determination of the necessary action to be taken.

WHAT IS SEXUAL HARASSMENT?

HARASSMENT Under the (M.G.L ch.151C §1 (e))

Sexual Harassment is defined as "any sexual advances, requests for sexual favors and other verbal or physical contact of a sexual nature when: (i) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or provision of benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (ii) such advances, requests or conduct have the purpose or effect of unreasonable interfering with an individual's education by creating an intimidating, hostile, humiliating or sexual offensive educational environment.

WHAT MIGHT HARASSMENT LOOK LIKE IN SCHOOL?

In school, sexual harassment can cover a wide range of behaviors, including sexual insults, name-calling, off-color jokes, intimidation by words, actions, or gestures, offensive touching, and pressure for sexual activity. It can be perpetrated by peers, school personnel or other individuals who are involved within the school setting. Sexual harassment can be student to student, staff to student, student to staff or staff to staff.

WHAT SHOULD SCHOOLS DO TO CREATE AN ENVIRONMENT FREE OF SEXUAL HARASSMENT?

It is critical that schools begin to address the issue of harassment through education of students and faculty, through the development and implementation of curriculum, and through the development of policies and procedures that clearly define the issues, expected behaviors, protocols for reporting, and consequences for violations. (Refer to DOE Guidelines (11/93) for more information)

CAN SCHOOLS BE HELD LIABLE FOR NOT ADDRESSING ISSUES AROUND HARASSMENT?

YES, under Title IX of the Educational Amendments of 1972, which prohibits sexual harassment in education, victims of sexual harassment and other forms of sex discrimination may sue their school district for monetary damages.

WHAT IS THE DIFFERENCE BETWEEN SEXUAL HARASSMENT AND DATING VIOLENCE?

Sexual harassment and dating violence lie on a continuum of sexual violence; therefore, it is important to develop a repertoire of interventions after careful evaluation of the reported situation. The evaluation should include separate conversations with the involved parties to gather that facts, and to assess the risk factors and severity of the situation.

ASSESSMENT INFORMATION SHOULD INCLUDE:

- THE FREQUENCY AND NUMBER OF INCIDENTS:
 - pattern or isolated incident, or
 - first time reported incident or have there been previous reported incidents.
- PRESENCE OR ABSENCE OF FEAR
- PHYSICAL OR EMOTIONAL INTIMIDATION
- THREATS (homicidal, non-homicidal, or suicidal)
- EVIDENCE OF SEXUAL ASSAULT OR RAPE

SCHOOL POLICIES, PROTOCOLS, PROCEDURES AND INTERVENTIONS SHOULD DIFFERENTIATE AMONG:

- a. a single incident in which fear is not present;
- b. a pattern of harassment, intimidation, stalking and threats; and,
- c. situations that involve sexual assault, rape, homicidal and suicidal threats.

WHEN IS HARASSMENT A WARNING SIGN FOR ABUSE?

Harassment should always be considered as a possible indicator of abuse in a relationship.

(This material was prepared through the collaborative efforts of staff from the Essex County District Attorney's Office, Help for Abused Women and Their Children, and the Massachusetts Regional Prevention Center, Salem)



The Commonwealth of Massachusetts Department of Education

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Recommendations on the Support and Safety of Gay and Lesbian Students

Public health and educational research has documented that gay and lesbian students and other students dealing with sexual identity issues face increased risk of violent victimization, harassment, and discrimination, impeding their ability to do well in school. In addition, due to their low self-esteem, lack of support, and family difficulties, some of these students may be at greater risk for alcohol and other drug abuse, suicidal behavior, infection with HIV and other sexually transmitted diseases, and homelessness.

In response to these concerns, Governor William F. Weld signed an executive order in February, 1992, establishing the Governor's Commission on Gay and Lesbian Youth. In February, 1993, the Commission issued its report, Making Schools Safer for Gay and Lesbian Youth: Breaking the Silence in Schools and in Families, which makes recommendations regarding educational issues.

Based on the recommendations in this report, the Board of Education voted in May, 1993, to adopt the following steps to improve the safety of schools and school-based support services for these students:

1. Schools are encouraged to develop policies protecting gay and lesbian students from harassment, violence, and discrimination.

In order to guarantee the rights of all students to an education and to prevent dropping out, school policies should include sexual orientation within anti-discrimination policies, as well as within policies which guarantee students' rights to an education and to equal access to school courses and activities.

In order to make schools safe for all students and to prevent violence and harassment, schools should amend existing anti-harassment policies to include prohibiting violence, harassment, and verbal abuse directed against gay and lesbian students and those perceived to be gay or lesbian. Incidents of anti-gay abuse should be treated with the same discipline procedures as other incidents involving bias and hatred.

2. Schools are encouraged to offer training to school personnel in violence prevention and suicide prevention.

In order to prevent violence in schools, teachers, guidance counselors, and all school staff should be provided with training in violence and suicide prevention, including the particular issues/concerns of gay and lesbian students.



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Sexual Harassment in Schools

A Blueprint for Action

Schools

- ◆ Every school should have a policy that is easy to understand and widely distributed. It should contain, and be accompanied by, strong statements from the school administrators that harassment will not be tolerated.
- ◆ The policy should clearly explain how to file a complaint and how the complaint will be handled. There should be several people who can receive complaints. Those designated to receive complaints should be specially trained, but all teachers and staff need to know how to respond if a student comes to them.
- ◆ There must be procedures for speedy, fair, confidential investigations with appropriate punishments.
- ◆ The policy should indicate that retaliation will not be tolerated. If the harasser or others try to get back at the complainant, they should be punished.
- ◆ If an incident involves physical contact, the school should treat it as it would any other crime on campus and should also inform the complainant that she has the right to file charges with the police.
- ◆ Curriculum at all grade levels should discuss respect for others, sexual harassment and violence. Students should be taught the proper way to treat other students and how to deal with any harassment directed at them with a complaint.
- ◆ Teachers and staff should receive special training that raises their consciousness and explains what their duties are regarding their behavior and what to do when they witness harassment or a student comes to them.
- ◆ Hold a school assembly on the topic -- invite a speaker.
- ◆ Provide resources on sexual harassment in the school library or other accessible areas.
- ◆ Encourage students to start a peer group to address harassment and related issues.

Advice For Student Advocates

- ◆ Don't wait until you face a problem with harassment. Work to change your school's policies and educational atmosphere NOW.
- ◆ Organize with friends, and maybe some sympathetic teachers. Go to your principal and ask that she implement a policy. Explain how harassment interferes with your education and makes you feel uncomfortable and unsafe. Remind the principal that she has an obligation under the law to stop harassment and to institute appropriate policies and procedures.
- ◆ If the principal doesn't believe that harassment is a problem, show her the Seventeen survey. If she just thinks it isn't a problem in your school, gather information. Conduct your own informal survey. Maybe you can get your school newspaper to help.

- ◆ If your principal is not responsive, ask your parents to talk to the principal. To reach a lot of parents, you and your friends can request time to discuss harassment at the next PTA meeting.
- ◆ If none of these tactics work, ask for time to present your views at a school board meeting. Stress the ways that harassment hurts girls and their education, as well as the fact that the school system has a legal duty to act and could lose a lot of money if a lawsuit is ever filed.
- ◆ You can alert the school to particular problems, like a teacher who acts inappropriately or an area of the school where incidents often occur. You can also take group action. Agree to come to the aid of any girl you see being harassed. Help girls who have been harassed to bring complaints to the school's attention. Get a group of girls and boys to verbally confront a harasser and tell him why his actions are wrong.
- ◆ Raise consciousness. Put up flyers about harassment. Flyers can define harassment, inform students of their rights or explain the difference between flirting and harassment – get other ideas from resource materials. Wear t-shirts with anti-harassment slogans. Ask the student government to devote time to the issue. Ask school administrators if you can invite a speaker to your school.
- ◆ Reach out to students at other schools. Share ideas and resource materials about sexual harassment. Contact organizations in your area that work on these issues.

What To Do If You Are Harassed

- ◆ You are not to blame for sexual harassment. Sexual harassment might make you feel scared or embarrassed. Before you decide what action you want to take, discuss the problem with your parents or another adult you trust.
- ◆ If you feel safe and comfortable doing so, tell the harasser that his behavior bothers you and that you want him to stop. If the harasser is a teacher or other adult you should probably not confront him alone. Another alternative is to write a letter that describes the behavior and says that it bothers you and you want it to stop. Keep a copy of your letter.
- ◆ If you don't feel ready to make a complaint, keep notes about the harassment: what happened, when, where, who else was present. Keep these notes separate from your diary or any other personal papers, in case you need to show your notes to someone else.
- ◆ When you're ready to complain, go to someone designated by your school policy who you trust. If your school has no policy or you feel uncomfortable talking to the designated people, go to a teacher or guidance counselor you like, or to a school administrator. If you're scared, bring a friend or a parent.
- ◆ It's harder and scarier to bring a complaint about a teacher. You might want to bring a parent or supportive adult. Realize that you will probably face resistance if you complain about a teacher. Because the teacher may have tenure, it could take time to get him removed. Before you bring your complaint, think through suggestions you can make for avoiding the teacher after the complaint, such as transferring from the class or independent study (just in case the school refuses to remove the teacher during the investigation).
- ◆ If the school doesn't resolve your complaint in a way that satisfies you, you have the right to file a complaint with the Department of Education's Office of Civil Rights or to bring a lawsuit. Contact NOW LDEF for more information on these options.

PREVENTING TEEN DATING VIOLENCE -- RESOURCES AND CURRICULUM

BOOKS:

Coping with Dating Violence, by Nancy Rue. The Rosen Publishing Group, Inc., 1989.

Dating Violence: Young Women in Danger, edited by Barrie Levy. Seattle: Seal Press, 1991. 3131 Western Avenue, #410, Seattle, WA 98121-1028. (206)283-7844

In Love and In Danger: A Teen's Guide to Breaking Free of Abusive Relationships, by Barrie Levy. Seattle: Seal Press, 1993.

Nobody Told Me It Was Rape: A Parent's Guide for Talking With Teenagers About Acquaintance Rape and Sexual Exploitation, by Caren Adams and Jennifer Fay. Network Publications, 1984.

CURRICULA:

Adolescent Sexual Assault and Harassment Prevention Curriculum by Marjorie Fink, CSW. For more information contact *Learning Publications, Inc.* P.O. Box 1338, Dept. DP196, Holmes Beach, FL 34218-1338. Call Toll Free 1-800-222-1525 Ext. DP196 or Fax 1-941-778-6818. ISBN 1-55691-116-5.

Be Aware, Be Safe - Sexual Assault Prevention for S.E. Asian Teens. By Debbie Wong and Scott Wittet. King County Rape Relief, 1982.

Dating Violence Prevention Programs, Curricula, and Other Educational Resources. CSN Adolescent Violence Prevention Resource Center, 1993. For more information write to the Education Development Center, Inc., 55 Chapel Street, Newton, Mass. or call (617) 969-7100.

Dating: Peer Education for Reducing Sexual Harassment and Violence Among Secondary Students by Toby Simon and Bethany Golden. For more information contact *Learning Publications, Inc.* P.O. Box 1338, Dept. DP196, Holmes Beach, FL 34218-1338. Call Toll Free 1-800-222-1525 Ext. DP196 or Fax 1-941-778-6818. ISBN 1-55691-121-1.

Preventing Family Violence: A Curriculum for Adolescents, by Family Violence Curriculum Project, 1984. Resource Center for the Prevention of Family Violence and Sexual Assault, Massachusetts Department of Public Health, 250 Washington Street, Boston MA.

Preventing Teen Dating Violence: Three Session Curriculum for Teaching Adolescents, by Carole Sousa, Lundy Bancroft, and Ted German. Published by the Dating Violence Intervention Project, 1986. Call (617)868-8328.

RESEARCH:

Evaluation of Secondary School Primary Prevention Program on Violence in Intimate Relationships, by Jaffe et al, Ontario, Canada. For more information contact The office of Delinquency Prevention at (512)483-5269 or (512)483-5300 (fax).

Young Adolescent Batterers: A Profile of Restraining Order Defendants in Massachusetts, by Donald Cochran, Massachusetts Trial Court, Office of Commissioner of Probation, Boston, 1994.

RESOURCES FOR TEENS:

Choice Through Education/Safe Haven. (617)884-4706. Provides emotional support and referrals, especially in teen dating violence intervention and related trainings. Provides a life skills curriculum.

Dating Violence Intervention Project (DVIP). (617)868-8328. P.O. Box 530, Harvard Square Station, Cambridge, MA 02139. Provides emotional support, information and referrals. Provides training, workshops and model curriculum.

GAY AND LESBIAN HELPLINE. (617)267-9001.

PROJECT BASPA. (617)521-0100. Transitional living program for pregnant adolescents.

Resources for Teens Offered by Battered Women's Programs of Massachusetts, compiled by the Teen Caucus of the Mass. Coalition of Battered Women's Service Groups and the Massachusetts Criminal Justice Training Council, May 1995. For copies writ to the Mass. Criminal Justice Training Council, 41 Terrance Hall Ave., Burlington, MA 01803, or call (617)727-7827 Ext. 113.

ROCA - Reaching Out to Chelsea Adolescents. Chelsea: (617)889-5210. Revere: (617)284-6281. Peer leadership group consisting of four young women who provide outreach services to high schools and individuals. Spanish Speaking. Will be providing pamphlets, making presentations and conducting workshops.

SAMARATEENS. (800)252-8336. 24 hour hotline that provides support and referrals for teenagers who are feeling lonely, depressed or suicidal.

TEEN HOTLINE. (800)999-9999. A crisis intervention hotline providing information and referral for adolescents.

TEEN LINE. (617)534-5700. A crisis intervention, information and referral hotline for adolescents.

VIDEOS:

He Loves Me, He Loves Me Not. Womenshelter/Companeras, P.O. Box 6099, Holyoke, MA 01041 (413)538-9717.

Heart on a Chain: The Truth About Date Violence. Coronet/MTI Film and Video, 108 Wilmot Road, Deerfield, IL 60015, (800)777-2400.

Peer Power: Preventing Date Violence. Coronet/MTI Film and Video, 18 Wilmot Road, Deerfield, IL 60015, (800)777-2400.

Rough Love. National Coalition Against Domestic Violence, P.O. Box 18749, Denver, CO 80218, (303)839-1852.

When Dating Turns Dangerous. Sunburst Communications, P.O. Box 40, Pleasantville, NY 10570-0040, (800)431-1934.

1-800-992-2600

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Afternoon Session

Crime Victims and the Media

Crime Victims and the Media

Moderator: Bernice Buresh, Journalist and Writer
Women, Press and Politics Project
P.O. Box 1018
Cambridge, MA 02140
(617) 491-0003

Panelists: Peter Gelzinis, Columnist
The Boston Herald
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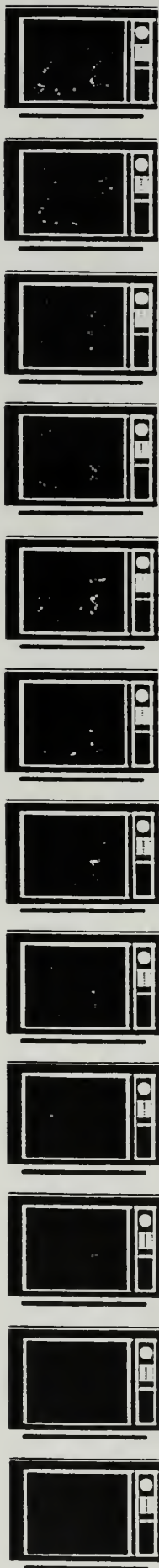
The Fort Worth Star-Telegram
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CRIME VICTIMS & THE NEWS MEDIA



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Crime victims: Do they have privacy rights?

By David A. Anderson

This is really two questions, to which there are very different answers. The first is, What does the law allow victims to do to protect themselves against invasions of their privacy? The second is, What does the law do for them, in the way of providing legal remedies? The answer to the first is "quite a lot," and the second, "not much."

PART I-SELF-HELP

The law gives the press great freedom to learn what it can and to publish what it learns. It doesn't give the press any power to make private people disclose things they don't want to disclose. Likewise, it doesn't give victims much protection once the information gets out, but it gives them great freedom not to disclose if they don't want to.

If you are a victim or a relative of a victim, the law gives you some control over the publicity about your case. You can't control what the police and prosecutor say, but you don't have to cooperate with the press yourself.

The police are required to read the accused his rights. They don't have to advise you of yours, and maybe we should insist that they do so. But in the meantime, you have to assert your rights for yourself.

You don't have to give interviews. You don't have to talk to them on the phone, you don't have to answer any questions when you walk out of the police station or the courthouse.

You don't have to allow the press to come on your property—into your home or office, even if it is the scene of the crime. The press may insist that they have the right to come on your property with the police, but they're wrong, they have no such right if you object.

You don't have to let yourself be used by the police or prosecutor. They have a continuing relationship with the press and they may be more eager than you are to publicize your case. You don't have to hold a news conference or give interviews even if the prosecutor wants you to.

The prosecutor may want to use you as a prop at trial. He or she may want you to sit in a particular place, dress a certain way, say certain things to the press. You don't have to do it.

If you're a witness, you do have some obligations, but even those are limited. You can't lie to the police or the grand jury, and you can't take affirmative steps to hinder an investigation—e.g., by destroying evidence. You can't try to intimidate other witnesses.

But basically you're in control. You don't have to prosecute, and you can refuse to cooperate unless the police and prosecutor take steps to protect you from unwanted publicity. When you go to the police station, you can demand that they get you in and out in some way so you don't have to face the photographers. You can insist on having your own lawyer with you, or a family member or friend.

One thing you probably won't be able to do is close the courtroom during your testimony. In *Globe Newspaper Co. v. Superior Court*, in 1982, in the trial of a man accused of raping two teenage girls, the Supreme Court said a judge can close the courtroom only by showing a compelling interest in a particular case; avoiding embarrassment of the victim by itself isn't enough.

Also, if a prosecutor breaks his promise to avoid publicity, there probably isn't much you can do about it. In *Doe v. Sarasota-Bradenton TV*, decided by a Florida appeals court in 1983, a rape victim agreed to testify only on condition that her name and picture not be used. When she testified, a television crew was present. The prosecutor made no attempt to keep them out, and her name and picture were shown on the evening news. She sued the station, but the court said she had no cause of action because it was truthful information lawfully obtained from court proceedings.

The law protects the press's right to try to get your photo or an interview with you, but the law equally protects your right not to accommodate them.

PART II-LEGAL REMEDIES

I. Invasion of privacy.

This is a well established cause of action for damages. It is available to crime victims as it is to anyone else who is offended by media disclosures of private facts. There are three elements that any privacy plaintiff must establish:

1. The matter disclosed must be an embarrassing private fact. It's not private if it's already widely known. For example, a man named Oliver Sipple was catapulted into momentary prominence when he knocked away the gun of a woman who attempted to assassinate President Ford in San Francisco.

After the gay community protested that the press was suppressing the fact that Sip-

ple was gay, some media disclosed the fact. Sipple sued for invasion of privacy. But he had marched in gay parades and was something of a gay rights activist, so several hundred people in San Francisco already knew he was gay. Since his sexual orientation was not a private fact, he had no cause of action, at least in San Francisco.

2. The disclosure must be highly offensive to a person of reasonable sensibilities. It is not enough that the victim is genuinely offended.

For example, in *Cape Publications v. Bridges*, a Florida case, a woman was held hostage by her estranged husband. He made her disrobe to prevent her from escaping. A crowd gathered, including the media, and eventually she ran from the house holding a dish towel in front of her nude body, with a look of terror on her face. A photographer took a very dramatic photo, and the local newspaper published it.

In her suit for invasion of privacy the court said the photo was not sufficiently offensive. The judge said, perhaps somewhat cavalierly, that it showed no more than a bikini would have, and that the photo depicted more grief and fright than sexuality.

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Could depiction of grief be highly offensive? Probably, but the courts haven't been very solicitous of those claims. Most successful privacy claims involve disclosure of embarrassing sexual or medical information. Courts don't seem to be much offended by depictions of normal human emotions, even extreme ones.

3. A plaintiff also must show that what's disclosed isn't a matter of legitimate public interest. Thus, even if a publication discloses an embarrassing private fact and would be highly offensive to a person of ordinary sensibilities, it's not actionable if it's legitimately newsworthy.

Andren v. Knight-Ridder Newspapers, a Michigan case, illustrates how far the courts are willing to go to find legitimate public interest. The plaintiff's daughter was murdered in Miami. The police took custody of the daughter's personal effects, including a diary.

A reporter got the diary from police and did a feature for the *Miami Herald* Sunday magazine, using information from the diaries. The same article was reprinted four months later in the Sunday magazine of the

Detroit Free Press, which happens to be owned by the same people who own the Miami Herald.

In her law suit in Michigan, the mother argued—plausibly, it seems to me—that even if the diaries were of legitimate public concern in Florida, as part of the story of a troubled teenager's death, they were not of any legitimate public interest 1,500 miles away in Michigan.

But the court accepted Knight-Ridder's imaginative argument that the story would be of concern to readers who were considering leaving the "high crime" region of Michigan for what they supposed would be the glamour of South Florida.

The *Andren* case illustrates another difficulty that survivors of crime victims are certain to have if they sue for invasion of privacy. There is no cause of action for invasion of another's privacy, and the courts have held that the victim's own cause of action for invasion of privacy does not survive his death.

Probably what really offended Mrs. Andren was the invasion of her dead daughter's privacy. But the law gives no remedy to the deceased's estate, or to the survivor for the invasion of the victim's privacy.

The survivor has a claim only if his or her own privacy is invaded, and that was Mrs. Andren's claim—that the daughter's diaries also disclosed private information about the mother's life.

II. Emotional Distress

To avoid the difficulties with the privacy action, victims' lawyers sometimes try other theories. One is intentional infliction of emotional distress. This tort grew out of situations such as harassment by debt collectors.

Not surprisingly, this cause of action has its own limitations. First, the infliction has to be intentional. It wouldn't be enough to show that a publisher was careless in deciding what to print about a crime victim.

Secondly, the emotional distress is not actionable unless the means by which it is inflicted are extreme and outrageous. If you think about it for a moment, you can see why. We all inflict emotional distress on others every day: an employer who promotes one employee over another, a teacher who makes a pupil repeat an assignment, a teenager who tells her boyfriend she doesn't want to go steady any more.

The law attempts to deal only with a few of the most extreme cases. What is "extreme and outrageous"? Dean William Prosser, who had a great deal to do with the development of this tort, explained it this way: If a judge, upon hearing the facts, would be moved to exclaim, "outrageous,"

the requirement was met. Successful cases usually involve persistent, deliberate hounding of the plaintiff for the very purpose of causing fear or anxiety.

Notice how much this sounds like the very problem we saw in invasion of privacy. The verbal formula has changed, from "highly offensive" to "extreme and outrageous," but under both theories, the courts are weeding out all but the most egregious cases.

Rarely will a news publication or broadcast be so totally unjustifiable as to meet either of these tests. For this reason, the emotional distress theory hasn't been much more useful to victims than invasion of privacy.

III. Negligence

I mentioned that infliction of emotional distress isn't actionable unless it is intentional. Usually news directors and editors don't intend to cause anyone emotional distress.

To circumvent this problem, lawyers have been speculating about a cause of action for *negligent* infliction of emotional distress. In ordinary personal injury cases, all a plaintiff has to show is that the defendant's negligence has caused the plaintiff's injury.

Historically, courts have allowed recovery in negligence only for physical injury, as opposed to fright or grief. But that limitation has been falling in the tort law revolution of the last few years. Many states now allow recovery for the grief of a parent whose child is run over by a negligent defendant or for the fright that a person may suffer even if he isn't hit by the car.

So some lawyers have tried to employ the negligence theory in victim cases. They argue that all they have to show is that the broadcaster or publisher was negligent in disclosing the information, and that it caused the victim emotional or other harm.

The leading case is *Hyde v. City of Columbia*, a case decided by a Missouri Court of Appeals in 1982. The plaintiff was abducted by a man with a sawed off shot gun. She escaped by diving out of the car.

The local newspaper got her name and address from the police offense report and published it while the abductor was still at large. The plaintiff alleged that this enabled the attacker to find her, and he terrorized her over the phone and in person for several days.

The trial court dismissed her suit against the newspaper and the city on the ground that she had not made out the elements of a cause of action in either privacy or intentional infliction of emotional distress.

But the appellate court said she had a cause of action despite these failures, be-

cause it was reasonably foreseeable that publishing her name and address while the attacker was still at large would cause him to harass her (or worse), and that therefore the city and the newspaper could be found liable for negligence in making the information public.

Some people tout *Hyde* as a major breakthrough for victims, but I'm skeptical. First, that case was no real victory for the victim. All the decision established was that she had stated a cause of action sufficient to survive a motion to dismiss.

She still had to prove negligence—that a reasonable publisher would not have disclosed her name and address under the circumstances. More importantly, she also had to prove causation—that the attacker found her through the newspaper and wouldn't have been able to locate her through other means.

I suspect these difficulties were substantial, because after the decision, rather than go to trial she settled. She got \$6,000 from the city and nothing from the newspaper. So the case really isn't a win for a victim against a newspaper.

More importantly, the *Hyde* opinion hasn't been very influential with other courts. I think this is largely because it doesn't deal in a satisfactory way with the constitutional issue that lurks in all these cases, whatever the theory of recovery.

In all these cases, we're talking about imposing liability for publishing or broadcasting the truth. Truthful speech is very highly valued in our constitutional system. Any state law theory that allows recovery for the publication of truth raises a substantial first amendment question. The U.S. Supreme Court considered this issue in the most important crime victim case of all, *Cox Broadcasting v. Cohn*, decided in 1975.

Cynthia Cohn was a victim of a gang rape, and died in the course of it. Six months later, when the perpetrators were being sentenced, a television reporter obtained her name by looking at the indictments, which were shown to him in the courtroom by the clerk. He used the

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name in a news report of the sentencing.

The girl's father sued for invasion of his own privacy, as well as his daughter's. For the reasons discussed earlier, he had no case on behalf of his daughter, but the

Georgia courts held that his own privacy had been invaded. In the Supreme Court, Cox Broadcasting argued that the press could never be held liable for publishing totally accurate information.

The Court was not willing to decide that broad question, but it did hold that the First Amendment forbids liability for publishing truthful information obtained from public judicial records. It therefore held that Georgia could not award damages to Mr. Cohn. Whether the same protection would apply to truthful information obtained from other sources still has not been decided.

In *Hyde*, the Missouri court didn't feel bound by *Cox Broadcasting* because Ms. Hyde's name and address had been obtained from police records rather than judicial records. Relying on *Gertz v. Robert Welch Inc.*, a libel case, the Missouri court held that any constitutional obstacle is overcome by a showing that the defendant was negligent.

But *Gertz* approved the negligence test only for speech that is *false*; it offers no support for the proposition that a finding of negligence permits liability for *truthful* speech. I think the Court is more likely to draw a distinction between truth and falsity than between police records and court records.

I think the *Hyde* case therefore isn't much of a breakthrough for victims, and the negligence theory is no more likely to

provide a remedy than the two earlier theories. If a crime is significant enough to get media coverage, the courts are likely to consider it a matter of legitimate public concern and the victim is therefore not likely to win damages under any theory.

Winning an injunction to prevent the publication is even more difficult, for several reasons. First, the victim usually doesn't know what is going to be published or broadcast until after the fact, so there is no opportunity to try to enjoin it.

Secondly, even if the victim had enough notice and time to seek injunctive relief, courts would regard it as a request for a prior restraint on publication, and prior restraints are even more suspect constitutionally than damage awards.

The bottom line is that the courts are not very likely to protect a crime victim from unwanted publicity.

To summarize: Victims do have privacy rights. But those are less likely to be vindicated by legal remedies than by other means: by victims knowing how to look out for themselves, by persuading the press to observe some common decency and humanity in dealing with crime victims, and by sensitizing the police and prosecutors to the needs of victims.

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Quotes from the symposium: Donya Witherspoon

When I was listening to the point/counterpoint and all through the day when I talked to people, I've heard people say I've had empathy for you which means you can put yourself in my place. And I've heard people say "I understand what you went through."

And I would like to say to everyone who hasn't been a victim of a violent crime that you don't understand. And I was a journalist before I was a victim and I can speak with some authority that I truly did not understand until I'd gone through it. So don't presume to know what a victim thinks or feels.

I'd also like to say that I'm afraid it's not by the grace of God that you're relieved of being a victim but simply by the oversight of some killer, and that until we stop them, none of us are free from that and that it's not God's grace that keeps us safe but our vigilance.

Second point I'd like to make is that I have noticed that sometimes—nobody's had the nerve to say it to me—but people have presented the attitude that when I became a murder victim I somehow—my vision somehow became fogged, and that all of a sudden, I wasn't expected to think clearly or that my decisions or that my vision of how the world is was no longer clear because of what had happened to me.

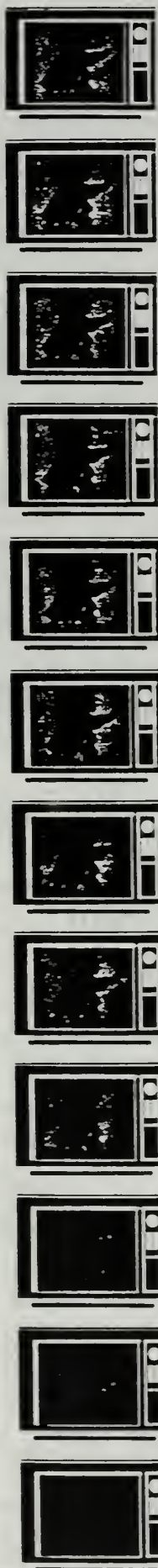
And I would like to say that from my perspective that I hold now that my vision did not become fogged but rather my vision did become crystal clear. And that life and death—well, death and the issue of our fragile lives—is what clears vision and not fogs it.

The third thing I would like to say is that I teach high school and I deal with teen-agers every day and I hear myself saying hundreds of times a day that—teen-agers, of

course, are fighting for freedom and independence—and I say to those teen-agers, "You want rights, but you have to realize that with them come some big responsibilities."

And I would like to say to the press that you have a big right under the First Amendment and I would like to say that with that comes BIG BIG responsibilities, and you need to be aware of that. If you need a standard to measure whether or not you're being responsible, that simple measurement—mental measurement to use—would be that you should not ever hold a victim or any other person for that matter involved in the criminal justice system up to a higher standard than you would hold for yourself.

Donya Witherspoon, whose mother was murdered, teaches journalism at a Fort Worth high school.



A victim's race: Does it make a difference?

By Ernie Sotomayor

The question we were asked to address was whether we think that the race of the victims and the perpetrators in crime stories is a factor with editors who decide the scope and nature of their crime coverage. To that I must answer yes. And if we had to answer whether the media, for the most part, are racist, I'd have to say that I don't believe so.

However, I believe the media continue to deal with minority crime victims with inconsistency, insensitivity, often displaying prejudices that must be overcome before the news treatment is fair and equitable. Often the result is coverage that appears to have racial overtones.

Through the years journalists, as all our society, have come to expect that more minorities will be involved in crime, both as the victims and the perpetrators. More often than not, the crime is committed by one minority against another minority. And, the great number of these people, victims and perpetrators, fall within the lowest socio-economic classes, the same people who are always forgotten.

Our courts and criminal justice system, reflecting the same prejudices, also have shown less regard for the lives of minority victims, ranking the loss of a white person's life as a much more heinous event and deserving of greater punishment, than the killing of a person of color.

For example, according to a nationwide study conducted in 1985 by the *Dallas Times Herald*, the killers of white people are twice as likely to get the death penalty than the killers of blacks. In Dallas County, the district attorney has never sought the death penalty in the murder of a black since the new statute was enacted in 1973. Yet, the district attorney's office has sent to Death Row 27 people tried for killing whites.

But the reasons for unequal treatment go beyond race, and, probably even more relevant is the victim's socio-economic status. The poor, transient, day-laborer who is clobbered with a beer bottle, shot and dumped under a freeway bridge near downtown is likely to get the same treatment whether the person is black, white or brown, male or female. In our courts, those cases historically have drawn little atten-

tion, and in the media, we have reflected the same attitude. So despite the many occasions when the media have pontificated as the champions of the oppressed and disadvantaged, we continue to harbor many of the same institutional biases and stereotypes as everyone else.

We view the West Dallas pool hall shooting as little out of the ordinary, because almost likely it will be a minority, perhaps an illegal alien, and almost certainly someone with a low income. Or if two black women are found murdered along the Trinity River bottoms, it is doubtful many will assume anything but that they were unimportant people, possibly prostitutes who were dumped there by a last trick.

Of course, the approaches to the stories always change and the reporting of the story accelerated with greater vigor once we learn that the victims aren't just "ordinary people." We have stopped, if ever we started, looking at these cases as deserving the same attention at least initially, and instead we instantly categorize them based on our stereotypical judgments based on race and geography.

When city editors get calls from the crime reporter, often the first question asked is "Where did it happen?" The news team's reaction to the crime is often predicated on where the crime occurred. If it's at one of the projects in predominantly black and Hispanic West Dallas, we call in a brief; if it's in white, fashionable, University Park we roll a reporter or two. That attitude is unlikely to change.

Why?

Partly, there has been a desensitization to these events. Examine how the national media covered the space shuttle program. Initial flights were attended by hordes of reporters; broadcasts of liftoffs and landings interrupted soap operas; the lives of the astronauts were detailed in full. As the flights became routine, fewer reporters were on hand on flight days. "Days of our Lives" returned undisturbed. Nothing unusual about the shuttle flights, until Jan. 28, 1986, when Challenger exploded.

When Texas resumed prison executions several years ago, again corps descended on Huntsville to document every detail. Every major Texas newspaper dispatched staff members to write front page stories and profiles of the killer and the victims. The crimes, the trials and broken lives were recollected. Today, most Texas newspapers report executions with wire service stories on deep inside pages. The "novelty" has worn off. But when the first woman is strapped onto the table in Huntsville and her veins filled with lethal drugs, will that again make executions big news? Undoubtedly, regardless of her race.

Such conditioning, however, has led to immediate categorization of news without examination. Though no news outlet, even if it wanted to, could devote the same attention to every crime story, we find ourselves making spot judgments without information and relegating certain stories to the spike because we've become used to them.

Now through the relationship of working side-by-side for so many years, police and the media have developed similar approaches to crime stories, with the police officer often knowing that the pool hall killing in West Dallas would draw little attention, and the reporter in turn showing little interest. For years, among some police headquarters, many killings were openly and commonly labeled by detectives as "Just a TND—Typical Nigger Death. It's just one of them deals." The media conditioned itself to accepting that judgment and would react accordingly.

Even today, very often, those stories are rarely mentioned on the newscasts, and regularly appear as briefs in the roundup columns. The detectives are more likely to pass on to us a tip about a crime story in a rich neighborhood than a crime in the "low-rent district" because they, too, see greater interest in the prominent citizen among the public.

So, what we generally have are three prejudices that we reflect:

- A geographic bias. We expect crime in South and West Dallas, so when it happens we doubt its news value, unless there's something special about the crime.

- A socio-economic bias. The woman shot dead on her neighbor's porch while pleading for someone to help her is very poor, is no one special in her community, and has little about her that distinguishes her from her neighbors. Or she is a victim of her environment, perhaps associated with the bad elements of society, so likely no one should feel much sympathy over her demise.

- Racial bias. It's just another "TND." Such open references have mostly disappeared from our newsrooms, though we know the attitude has not and never will.

together after school, breaking bottles and harassing people really a gang just because a police detective says it is? We often portray such groups as "gangs" on the basis of comments by police or witnesses in the neighborhood who have little understanding of youth culture and because they believe that is what minority youths do. We often accept and pass on through our stories the myths that only minority groups form gangs, and that a crime involving a "gang member" constitutes a feud between the gangs.

The nature of the daily news business also imposes certain limitations on the media. Part of what the news media face is a daily re-examination of what news is. Editors daily are forced to weigh every piece of news against all other news his or her reporters gather. A story that makes page one one day might be placed in the back section the next, based only on that other news it competes against.

How do we determine what is news? Among the elements considered are:

- Interest to our readers and the community overall.

- Impact on our readers and on the community.

- The novelty of the event or occurrence: circumstances that make it different from all other such stories.

- The people involved, their prominence in the community.

- How much time we have to report and write the story, the number of people available to work on the story, how much information is available from the police.

- Deadlines and competition.

- Its entertainment value.

Now, let's examine a few examples that could perplex anyone seeking to identify a pattern in how the news media treats crime and its victims.

- Sunday, March 16—Fred Finch Jr. and wife, Mildred, are found dead in their South Dallas home. He is a prominent black attorney with the NAACP, founder 30 years ago of the *Post-Tribune*, a black community newspaper, and helped fight school segregation for years. Monday, both papers run Page 1 stories. For the next six days, the newspapers publish prominently displayed followups profiling the victims; reporting the arrests, the funeral, how rewards draw out information on the suspects, and Op-Ed columns and editorials about the case.

- Monday, July 21—Sixteen-year-old Conrad Harris is stabbed to death by a burglar fleeing the boy's father's home in white, affluent University Park, near the Southern Methodist University campus. The boy is white, son of Hugh Harris, a

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- Lack of cultural understanding. As an example, how often have we read or heard in news accounts that a crime was committed by a member of a "gang" or was "gang-related?" Do we know that the group was really a "gang?" Is a group of four or five 12- and 13-year-old kids hanging out

self-employed computer analyst, and step-mother. Holly Kuper Harris, a professional photographer.

- Tuesday, one paper publishes a 25 inch story on Page One. The other runs an 18-inch main story, and a 25-inch sidebar inside profiling the boy, and impact on his mother, Mary Harris of Irving.

On the same day, both newspapers write short stories about 29-year-old Linda Young Clewis, who is shot to death on her neighbor's porch as she screams for help. She is black, a Southeast Dallas resident, and her estranged husband is arrested as a suspect in the slaying. The followup on the arrest runs five inches long and, like the initial stories, are placed deep inside the newspaper.

- Both newspapers, for five consecutive days, publish stories about the Harris teenager stabbing case, including stories saying first that police have no suspect, then the arrest of the suspect.

- On Saturday, July 26, the newspapers publish jailhouse interviews with the suspect denying that he is guilty. That same day, one paper runs a 2-inch story on Page 19A saying 14-year-old Kervin Wayne Brown had been found shot to death in a Southeast Oak Cliff church parking lot. He is found in a pool of blood, his bicycle abandoned nearby. The other paper publishes a 14-inch story. Neither paper follows the story of Kervin Wayne Brown, a young black high school student from a poor neighborhood.

- Sunday afternoon, Oct. 26—Two black women are found along the Trinity River bottom, shot to death. Monday, one paper reports the story on the cover of Metro section, the other on Page 3 of its Metro section. Tuesday, one paper runs a front page story adding details of the crime, identifications of the women, and the fact that the victims, Dorothy Moorin, worked as a part-time bartender and Ingrid Tina Asvadi-Guilana was a production assistant with the City of Dallas Video Communications Division. The other newspaper carries no followup. Wednesday, one paper follows the story for the third day with a 20-inch story profiling the victims, talking with neighbors, friends, relatives. The other newspaper carries a 9-inch story on page 27A listing the victims' identifications and some biography material. Thursday, both papers run 5-inch stories saying the victims' car was found.

- Wednesday, Oct. 8—16-year-old Coty Cobbins is shot to death on a crowded school bus following an argument with a fellow student. He is black, and a student at South Oak Cliff High School, which has a heavy minority population. Thursday, both

papers carry front page stories, with one carrying an inside sidebar. On Friday, both papers carry stories on their inside pages discussing how the student body will cope with the shooting. The next story about the case does not appear in either paper until weeks later when the shooting suspect is indicted.

What can we draw from these examples? First, they show a broad inconsistency in the way we look at crime news and crime victims. What if those two women had been found on Cedar Springs behind a food store. The killings probably would have generated even more interest. And what if they had been found behind North Park Center in North Dallas? The story would have taken on all-new proportions. And what if they had been white? Concentrated, aggressive and thorough reporting on the case would have begun immediately, and it would have been bigger news.

These examples also show that the media today will react without regard to race when the circumstances of the story create news of significant value, such as in the Finch or the school bus shooting stories. In years past, such news would never have been published anywhere in the newspaper.

What the media must continue to do is judge each story on its merits, report the stories thoroughly, and make judgments based on what we know about the case, rather than on what we choose to ignore. Stories whose value dictates that they be placed in the briefs columns should go there. The front-page news should go on the front page.

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And, of course, there is no yardstick that editors and reporters can apply to a story and determine in every case whether it is worth 10 inches inside or 25 on the cover. But editors and reporters should understand that the shooting of a poor, black 14-year-old left bleeding in a South Oak Cliff church lot might be as much of an injustice and atrocity as the stabbing of a 16-year-old son of a white computer analyst in University Park. We cannot treat every story in exactly the same fashion, give every murder and rape and robbery the same amount of space. We can't send reporters to the scene of every crime. But how will we ever know whether that 14-

year-old boy was just another neighborhood bully or someone special in that neighborhood, whether he was buying cocaine or riding home from church, unless we take the time to look.

Said one reporter recently, "Some poor people just don't know how to say 'No comment.' They'll tell you how the victim was shot, who shot him, all the bad stuff he did in the past, and then they say what a good kid he really was."

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When the same reporter interviewed the husband of a white, elderly North Dallas woman who had been killed in her apartment, the man simply said, "This is a sad time for us. We'd rather not say anything at this time."

And when the wife of a white, North Dallas attorney was found slain in her bedroom and a message scrawled in lipstick on the mirror, "We're even now Don," the husband, whose name was Don, was shielded from the press by his in-laws, and refused to make any statements.

Often, just the opposite is the case when we interview witnesses, survivors, relatives in poor neighborhoods, and who are caught in a state of grieving.

We use the "slow notebook" trick. Every reporter's tried it—keeping the notebook in the back pocket at the beginning of the interview to keep from making the source uncomfortable, then slowly taking it out. Then, wait a few minutes, take out the pen, wait another minute before you start writing. They often don't even know you're taking notes.

We use aggressiveness at the crime scene or on the telephone. And we catch people off guard, when they are angry and seeking an outlet, even though any statement might be detrimental to them. They want justice. They sometimes make statements that will lead police to other suspects or damage the credibility of later statements or the statements of witnesses. And we overwhelm them with the lights, cameras, microphones.

In other cases, however, the interview process provides an outlet for the victim's survivors, a way to release some anger and share personal feelings about a loved one. One police reporter said some will seek an interview to get the victim's name in the newspaper. She was told by one victim, "It's the only way my little boy's going to be known in the world. I didn't want him to die, but he's dead now, and I'd like the

world to know that I loved him, and that he was all I had."

In other instances, the media attention has helped draw much needed attention to a crime. In these cases, reporters must proceed with sensitivity and act responsibly in seeking information and balancing their quest for information with the right of the survivors and victims to privacy.

We have wrestled earlier today with the idea of establishing codes of ethics to deal with these questions, but there is no easy answer, as we have seen from that discussion. And, we will not see the media stop covering crime news.

The media are the purveyors of news. They sell news, and will continue doing so. We will continue reporting and writing about crime. The public demands it, reads it and uses it.

The media today is reporting on crime more thoroughly than ever before, and not just on the criminal acts, but on related issues: public safety policy, crime watches, prevention measures, etc. We see more and more profiles of its victims, not just as names or statistics, but as people who had brothers and sisters, sons and daughters, fathers and mothers.

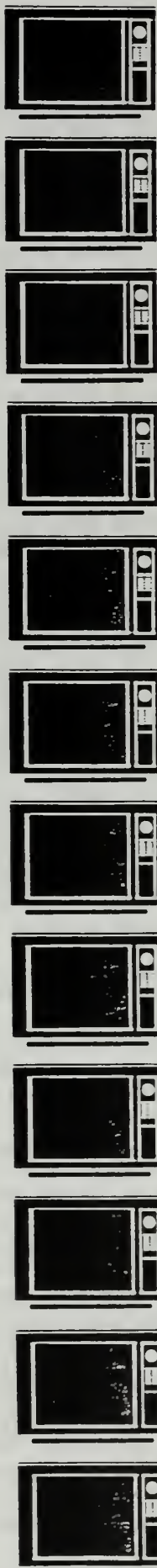
This has been an evolutionary process, and we hope it continues. We cannot assume that editors who have worked in the trenches are sensitive, and that they are in touch with the community. They, as well as reporters, must make conscious efforts to listen to readers and the community, to understand the environment and culture and the past.

A slightly increased representation of minorities in the newsroom, both at reporter and editor ranks, has played a key role. The diversity has provided greater vision into our neighborhoods and efforts must continue to bring new minority talent into the profession.

And finally, we, as journalists, need to feel more when we write our accounts. We have always learned, as students, that we should remain cold and distanced from the news, from the people about whom we are reporting, that objectivity is at stake and that any emotion is unprofessional.

Instead, perhaps we should teach our young journalists that there are times when we can approach stories in a more human way, and that sometimes we should turn our cameras away from the sobbing victim as she learns her long-missing son has been found dead, and allow the victims a moment of privacy. Perhaps then our readers will see us, the journalists, as people, too.

Mr. Sotomayor is associate editor of the Dallas Times Herald.



The public grief of the victim: Is it really news?

Editor's note: This article, which appeared originally on the op-ed page of the Fort Worth Star-Telegram, was written by the co-editors of this magazine. Appearing the week after the Challenger disaster, it outlined a specific application of the right to know vs. right to privacy dilemma—not for crime victims, but for victims of a disaster of great public interest.)

**By Anantha Babbili and
Tommy Thomason**

The electronic media gave us two memorable visual images from last Tuesday's space shuttle tragedy. The first was the fiery explosion that engulfed Challenger. The second was the reaction of teacher Christa McAuliffe's parents, Ed and Grace Corrigan.

Over and over we watched as they watched. We saw their pride turn to elation at the liftoff, and then to anguish only a minute later when the rocket exploded.

The event was unquestionably one of the great news stories of the century. The Corriganes were parents of a public figure. They watched the tragedy unfold in a public place. The cameras that had been focused on the proud parents to record their reactions to the launch, recorded instead the Corriganes watching their daughter's awful death. Those few seconds of ecstasy-turned-agony were replayed over and over.

But is the reaction of a mother to her daughter's tragic death of such public importance? The Constitution certainly implies that the public has a right to know. But do we have a right to intrude upon the private sorrow of private individuals—even if they happen to be related to public figures? Was the constant replaying of those seconds of grief really necessary?

Television is a participatory medium. Print offers a certain detachment. In World War II we read of battles and casualties. In Vietnam we watched at dinnertime every night as young soldiers went into combat. We watched them fall; we watched them die. How much of our reaction to that was really our reaction to the horrors of war itself, made real and personal every night in our living rooms?

Print journalism will offer the details of Tuesday's tragedy. But it is the graphic im-

ages of television that we will long remember.

Television offered us the chance to participate in the Corriganes' grief in a way that print never could. But it also let us intrude upon an intensely private moment. Had we been there in person we probably would have turned away to let them have their grief in privacy. As it was, we watched—and watched.

Journalists are more and more coming to grips with their treatment of private citizens who are victims of crime or tragedy which is of public interest. Our own research shows that newspapers, for example, are much more sensitive to victims than they were even a decade ago.

Those who criticize the media for invading the privacy of victims often cite either news pictures or television. Two years ago in North Carolina a fire engulfed an apartment building, and a frantic mother watched helplessly, knowing that her 4-year-old son was inside. Nearby a photographer for a Lexington newspaper took pictures of the mother in her agony.

Those pictures moved on the Associated Press wire and appeared on front pages throughout the nation. One letter writer to *The Boston Globe* which carried the picture on Page 1, called it "photographic rape."

A controversial news photo from California last year showed an anguished family kneeling around the body of their child, who had just been brought to shore after drowning.

The grief on their faces was heartwrenching. But was it news?


The media—print and electronic—are certainly within their rights in covering these human tragedies. There is no right of privacy for people in public places who are part of a public news event.

But this issue is not what the press has a right to do; it's what the press ought to do. Fortunately, journalists are looking more and more thoughtfully at this problem.

It's time we should. In a study last year by the American Society of Newspaper Editors, two-thirds of the respondents said that the press often takes advantage of ordinary, private people who are victims of circumstances.

The Corriganes are such people. We've watched enough—too much—of their grief. We all share their sorrow. But most of us would probably agree that their anguish is not really in the domain of the public's right to know.

Dr. Babbili and Dr. Thomason are assistant professors of journalism at Texas Christian University.



Victim advocate suggests code for journalists

By Ann Seymour

When a young woman was brutally assaulted in the Midwest, the media provided excellent coverage of what could have been an oversensationalized crime. To this day, the victim credits the media with creating public awareness which resulted in a successful petition drive asking for the maximum sentence.

In Fort Worth, Texas, the family of a homicide victim maintained positive, ongoing contacts with the media and the district attorney's office throughout the trial.

Numerous stories focused on the father's grief and how it prompted him to co-found a highly successful victim advocacy group. Later, when the murderer was sentenced to death, public recognition was given to the father's consistent efforts to seek justice for his deceased son.

A mother, watching the evening news, saw her missing daughter's clothes described as clothing found on a homicide victim discovered in the southern part of Washington.

A 10-year-old child was abducted from her home in a small community. Ransom was demanded by the kidnapper. The media converged, but agreed not to publicize the abduction until the child was safely returned.

One television news team found out about the location of the money drop, and arrived at the same time the father was to leave the ransom. When the authorities asked crew members to leave, they resisted, but eventually relented to the authorities' pleas.

The child was safely recovered in a shootout which claimed the life of the kidnapper. However, the child's identity was released by the media, including the same reporter who violated the ransom drop site. After completing her account of the tragedy, she began to speculate as to whether the youngster had been sexually assaulted. Her public speculations expanded, even though no official reports about the physical condition of the child were given.

In California, a woman viewing the late-night news saw her daughter's car, her daughter's friend and, finally, her daughter's body pulled from the scene of a drunk driving crash.

These stories illustrate the full range of media coverage of violent crime and victimization—from good to bad, sensitive to callous, humane to incredibly inhumane. While these are isolated incidents, they represent a larger, direct challenge to both America's news media and victim advocates. We must work together to find common ground which encourages accurate, complete coverage of crime and its aftermath without violating the rights and interests of violent crime victims.

News media are in the business of communication. Their role—to inform the public about newsworthy occurrences—forms the backbone of America's thorough information network.

In the same vein, a major goal of our nation's victims' advocates is to communicate to the public about the tragic phenomenon of violent crime victimization. They want people traumatized by violence to know there are programs and services available to help them cope with their tragedies and, hopefully, aid them along their road to recovery.

The bottom line requires open and direct communication between the news media and victim advocates. The forum provided by "Crime Victims and the Media: The Right to Privacy versus the Right to Know" was a good beginning. Now, it's time to build upon that foundation and cultivate a better understanding of the constraints facing both journalists and crime victims.

The Sunny von Bulow National Victim Advocacy Center recognizes the importance of educating victims, advocates and the organizations which serve them about how to work with the media. The Center's "Victims' Rights: Opportunities for Action" training program contains comprehensive curricula addressing both victims' rights and the media and media relations.

A goal of this curricula is to develop competent, professional victim advocates nationwide who can work effectively with the media and share resources which, in the long run, will simplify the work of those associated with news media and victim service organizations.

The Center also sponsors workshops for media professionals about how to secure thorough coverage of crime victims' stories without further adding to the subject's personal trauma and grief. The curricula for these intensive one-day seminars highlight examples of good and bad media coverage of violent crime victimization, offering methodology to expand the good and eliminate the bad.

Many victim advocates can "rattle off" a quick list of past media coverage of their clientele which they deem offensive or in-

trusive. Some of the most common offenses include:

- Publicizing a victimization prior to notification of the victim's family;
- Printing victim's name and address;
- Graphically describing women victims and survivors;
- Interviewing survivors at inappropriate times, such as immediately after notification or during funerals;
- Chasing victims and survivors into hospital rooms;
- Using unflattering, inaccurate euphemisms to describe victims;
- Glamorizing the offender;
- Inappropriately delving into the victim's past;
- Exhibiting aggressive behavior toward victims, survivors and their advocates;
- Ignoring the victims' and survivors' wishes regarding how and when they wish to deal with the media;
- Filming and photographing scenes with bodies and bodybags;
- Reporting unconfirmed innuendos;
- Searching for the "negative" about the victim;
- Interviewing or photographing child victims; and
- Interfering with police investigations.

'... a major goal of our nation's victims' advocates is to communicate to the public about the tragic phenomenon of violent crime victimization.'

It's important for media professionals to understand the emotions felt by victims and survivors, especially immediately following the crime notification to survivors. They are usually numb and often physically and mentally stunned by the crime and its impact. Frequently, confusion and total disorientation accompany a violent crime victimization.

Victims and survivors are thrown upon an "emotional seesaw" which sometimes lasts for weeks, months or even longer.

During these turbulent times, the Center recommends that victims and survivors secure an advocate to represent their interests with the media, law enforcement officials and district attorneys' offices. Advocates serve as protector, adviser, representative and friend. They are available at all times to remain with victims and survivors, as needed, to ease them through the inevitable trauma of their situation.

Advocates inform victims of their rights and explain how the media works. They help victims think through what they want to say and how best to convey that message to reporters. When applicable, they help victims prepare written statements in lieu

of interviews.

In homicide cases, advocates help the survivors gather information and photographs about the victim for the media. They often prepare detailed overviews of the deceased person's life to simplify the interview process.

Advocates can ease the pain which is frequently experienced by victims who must deal with the media. At the same time, they serve as valuable resources to news media, providing accurate, concise information in a timely fashion.

Victim advocates always promote the best interests of the victims and survivors they are representing. Similarly, many news media adopt policies which promote responsibility and sensitivity in extremely difficult situations when victims and survivors must be interviewed.

However, when these policies are not strictly observed, problems arise which further traumatize those who have been victimized by violence.

Interviewing victims and survivors is by no means a simple task. Many reporters dread those times when they must interrupt grieving people during times of intense personal pain.

But these interviews need not be offensive or traumatic. When reporters follow well-developed policies which are sensitive to victims and survivors during times of grief, and when victim advocates are present to represent the victim and survivors, the end result is a good story which doesn't infringe upon the privacy and rights of crime victims.

A concept heartily endorsed by the Center is a proposed code of ethics for media professionals who deal with crime victims. The proposed code was developed at a symposium sponsored in 1985 by Seattle University and Seattle Women in News. It is designed to recognize the demands journalists face yet, at the same time, encourage them to treat victims with dignity and respect.

The Center believes the code of ethics will result in a more sensitive and understanding coverage of violent crime victims.

I shall:

-Provide the public with factual, objective information about crime stories concerning:

-the type of crime that has occurred;
-the community where the crime occurred;

-the name or description of the alleged offender if appropriate under existing state law;

-significant facts that may prevent other crimes;

-Present a balanced view of crime by

ensuring that the victim and the criminal perspectives are given equal coverage when possible:

- Advise victims and survivors that they may be interviewed "off the record" or "on the record" if they desire such an interview, and advise them that they have a right not to be interviewed at all;

- Quote victims, families and friends fairly and in context;

- Avoid photographing or filming crime scene details or follow-up activities such as remains of bodies or brutality, instruments of torture, disposal of bodies, etc.; and

- Notify and ask permission from victims and their families before using pictures or photographs for documentaries or other news features.

I shall not:

- Photograph, film or print for publication photographs of victims, graphic crime scenes, or victims in the courtroom without permission;

- Print or broadcast unverified or ambiguous facts about the victim, his or her demeanor, background or relationship to the offender;

- Print facts about the crime, the victim or the criminal that might embarrass, humiliate, hurt or upset the victim unless there is a need to publish such details for public safety reasons;

- Print, broadcast, photograph or film lurid or graphic details of the crime; and

- Promote sensationalism in reporting crime or criminal court cases in any way.

Understanding the horrendous impact of violent crime victimization, utilizing the services of victim advocates, adopting the proposed code of ethics—these simple steps can provide the common ground needed to report sensitively and accurately about violent crime victimization while respecting the rights and privacy of victims and survivors.

Ms. Seymour is Director of Public Affairs for the Sunny von Bulow National Victim Advocacy Center in Fort Worth, Texas. She has been a victim advocate for more than three years, providing services to crime victims in areas including media relations, legislative action and program development.



The Tear Hunter



Crime victim shares concerns with journalists

By Lavonne Griffin

If there is to be good news in being a victim, it is that we need the support of the community and we need the support of the law enforcement agencies and we need the media. The media need us.

When a child dies from non-violent causes, there is an intense personal painful grief. But when a child is murdered, the process is complicated by the fact that there are law enforcement agencies that barrage the family with questions to solve the crime, and the news media focus on the family and its grief at a time when they need to inform the community that a murder has been committed, that there is a possible danger. While the media serve as a very important function, violent crime reporting should be the result of reflection, not merely reflex. And there is a delicate balance of the right to know and the right to privacy.

As a victim, I'm here by choice. This is a very constructive outlet to let you know how I feel and to understand how reporters feel. However, I am not a victim by choice. I don't have any background that helps me get through this. That's why I need all the support I can get. Members of the media, however, are there by profession and by choice. And I believe that if we work together we can really come up with some answers that will help future victims.

The news media consists of professionals with concrete protection—freedom of the press. My only claim to notoriety is hard luck and being a victim. And I am protected only by the sensitivity that is used by members of the media. And I don't think that I'll make any significant changes in the way violent crimes are reported. But I hope that if just one future victim is helped by my speaking out, then I think that a very important goal has been achieved.

Initially, in the period following the murder, I was in a state of shock, disbelief—angered, confused, depressed. I couldn't make decisions, I couldn't make good judgments. And then all of a sudden, before I got home, there were reporters waiting for me. And there were law enforcement agents everywhere. During this time period, this is the toughest. The press should really demonstrate sensitivity and caution in the way they handle those that

they interview and write about. To me, there were two areas that really need concentration by the media and that's the psychological aspects of their reporting.

Something that really sticks in my mind are the bold headlines that are used. They grab your attention and they (the headlines) tend to label victims and thereby establish public sentiment. In our particular case, this was the headline chosen, "BODY IDENTIFIED AS TWENTY-YEAR-OLD WAITRESS." Lisa had been a part-time waitress for about a month. She was also an art student. She was also an insurance clerk. She was a loving daughter. I really felt at the time, and now, that this might have been an attempt to sensationalize her vulnerability, her sex, to somehow cast guilt on the victim and diminish the guilt of the criminal. I really think that the headline writers need serious reflection because how many people read every word of every story? How many headline-skimmers do we have?

Another thing that really concerned me was the reporting of unverified facts. Now maybe our case—well, every case is unique—but our case was unique in that there were several suspects and a lot of discussions on what really happened. But, I had reporters calling me with claims that they'd found shopping lists, photographic receipts, trying to link her with first one person, then another. And then, at a time when you are really in shock and disbelief, you don't feel like having an interview; you don't feel like responding. And at a time when you don't realize how important it is that you overcome your grief and somehow come up with something to say because you are going to see it in print. And you're going to see it without your comments and rebuttal. And that is a tough place to be in. To be in shock, in grief, and to have to come up with a professional rebuttal.

The badgering that I did receive by reporters was at tough times, like working all day and coming home with an armload of groceries and the telephone was ringing. Well, you drop your groceries, you pick up the phone, and it's a reporter wanting a story. I was called at my place of employment as many as five times a day and this affected my concentration. It affected my relationship with my boss. And the going was tough anyway without having these constant interruptions.

Photojournalism. I know it's been said, it's been talked about all day, but in my opinion, this is a really sensitive area. One photo on the front page of the paper really sticks in my mind to this day. It causes me some emotional-wringing out. It was a picture of her casket being brought from the church. I really do not think that this con-

tributes to the public's right to know or it did not contribute in any way to the story itself.

And, on taping interviews over the phone, it's really not illegal in Texas to tape-record an individual over the phone without advising him that the conversation is being taped, but that which is legal is not necessarily ethical. And my contention is that you should tell a person that the interview is being tape-recorded. After all, we--society--does give the accused criminals a similar warning that anything they say can become a part of public record. Many times I was shocked to read in the paper the next day and find comments in print.

Additionally, reporters should display responsibility in selecting those that they interview and write about. At our home during this time, as long as a week after the murder was committed, our home was filled with friends and distraught family. And whenever reporters would call, occasionally they wouldn't verify who they were talking to and sometimes a youngster in the family might answer the phone and they really are not in a position to give interviews. Also, a friend may give or reveal some information that really may be investigation-sensitive. So please, display responsibility in selecting those that you interview.

'And I also advocate developing specialized crime reporters. Why not have someone trained in dealing with stories of this nature? Someone specifically sensitized to the needs and difficulties that can be unnecessarily afflicted by an untrained insensitive reporter?'

And as far as the physical well-being of the victim, the printing of specific addresses does not contribute to the story and they can subject the victim to additional harm. I understand that for the information to be printed legally, it must meet one requirement: truth. Our specific address and maps to our home were printed in most all of the stories. After all, it was the truth. And here's a truth that no one wrote about. What about our personal safety? Who's going to assume the responsibility for our safety? From the stories in the press it was obvious that I was a single parent living with a younger daughter. And we were extremely vulnerable during that period of time. And I take great care in telephoning listings and so forth that I not be easily identifiable namewise or locationwise. Yet the press decided that it was important that people know exactly where I live. I don't believe that's so; I think that responsibility

would be to inform the public of the general area and that's enough.

And I also advocate developing specialized crime reporters. Why not have someone trained in dealing with stories of this nature? Someone specifically sensitized to the needs and difficulties that can be unnecessarily afflicted by an untrained insensitive reporter. And this does not need to conflict in any way with editorial integrity.

Then after the impact of the murder, there's the investigative phase. The press should be sensitive to the impact the story has on an investigation. A so-called "scoop" is not really worth letting a criminal go free. The press printed a story relating police intentions of searching a jailed rapist's murder suspect's apartment to find more evidence. The result? By the time they searched the apartment, it had been sterilized of all evidence. And I think that that was an example of the public's right to know at that time.

Another important area that hasn't been discussed very much is I do not believe that the media should over sensationalize or emphasize the blunders of the law agencies. This can inhibit their aggressiveness. It can diminish the respect that the public has for such agencies and for individuals to cooperate with them. Certainly reporting an erroneous arrest of a suspect is newsworthy, but to make it a top-running story for days and to focus cameras day in and day out, front-page headlines on this error doesn't really seem necessary. And just how much internal scrutiny could the operations of newspaper and TV news operations take without inept? And remember, a murder has been committed and that is the main and immediate problem facing the community. That's what needs the total action, and you should not distort the situation by overemphasizing human error.

Additionally, do not let the unsolved crime fade into oblivion. If the public has the right to know about a crime when it's committed, then they have a right to know how it's progressing. Two or three months down the line and periodically thereafter, write a progress report. If the press claims to exist to serve the community, this is certainly a valid service.

Keep important facts about the case alive and one fact is reward value. Rewards without publicity are valueless. A \$100,000 reward might as well be \$2. The apprehension and subsequent arrest of the murderer presents a very unique situation that requires special handling. For months, perhaps, or, in my case, we agonized over the murder. Who? Why? What happened? And then all of a sudden the big day comes, you start to find out unless the press finds

out first. Then maybe you'll find out from the law enforcement agency.

And the very relation of the murder throws the victim back into shock and agony that he felt initially, maybe even more so. The crime is actually re-lived. The psychological well being of the victims must be considered along with taking care that the case isn't tried in the news before it goes to trial. Classified police information that is leaked to the press may also be the truth. If a confession is printed or broadcast before the judicial system tries the case, is this the right to know the truth? Or is it complicating the legal process, agonizing the victims, and pre-determining the decisions for future jurors?

In our particular case, I can clarify that by saying our case involved a bizarre twist. The murderer claimed that he was only helping my daughter commit suicide and this was in his confession. This confession was leaked to the press beforehand, so as a result, Lisa's character--my daughter's character--and my own character were brought through the press much more than it ever should have because during the trial it was proved that this suicide theory was garbage. And so, had this not been printed, then it would have really saved our family a lot of agony.

Finally, news reporting of the trial requires special balancing of both the defense and prosecution contingents. Following the testimony of my surviving daughter, Monica, a newspaper story quoted her as saying something that she did not, and it also lifted a few words out of context that totally changed the whole meaning of what she said. This was very anguishing to a sixteen-year-old who really believes in the system and who really believes in justice. It had a very traumatic effect on her.

One reporter at the courthouse began all the stories with the defense allegations and merely mentioned the prosecution's rebuttal. The public got to read only one side of the story even though there was an equal amount of information from both sides. After the sentencing in our trial, a local paper ran a bold six-column headline: FORTY-THREE YEAR SENTENCE SATISFIES GRIFFIN'S MOM. I was shocked when I started receiving phone calls about an additional interview I may have given. I didn't give an additional interview! It was a public interview following the close of the trial.

What I had said in the interview was that true but unachievable justice would be trading a life for a life. That is, bringing Lisa back. But I felt justice has been served. The slant of the story translated my comments to the opposite side of dissatisfaction. And

this headline apparently was a disastrous attempt to gain a news story without really wanting to work for a news story.

Finally, I think reflection can be the tool to achieve the necessary balance of the right to know and the right to privacy. Think. Listen. Listen to us. We want to listen to you. We want to know that you're honest and trustworthy and that you're going to help us. And beyond reportorial accuracy and objectivity which is basic, I

'The press should be sensitive to the impact the story has on an investigation. A so-called 'scoop' is not really worth letting a criminal go free.'

think you should superimpose a dimension of care, concern and compassion from the victims and families of violence in crime. These virtues need not necessarily conflict with editorial integrity. Verifying all of your facts and ascertaining if they endanger survivors or an ongoing criminal investigation can take time. But that takes courage. This type of courage will be one that will serve you in the long run. You'll get a lot more cooperation in working on your stories and you'll even sell a few more papers because we'll trust and believe in you as a community.

Ms. Griffin is a supervising accountant for a Fort Worth accounting firm. Her daughter Lisa was murdered in 1985.

Editor's Note

The editors wish to express special thanks to Ms. Griffin. The entire Symposium project was largely inspired by her willingness--only two months after her daughter's murder--to speak to our journalism classes at Texas Christian University. Ms. Griffin has felt the anguish so many other victims feel. But her willingness to share those feelings and her personal reactions to press coverage has helped us open a dialogue between crime victims and the press.

CRIME AND THE MEDIA

Should the victims of rape be named?

Some argue disclosure is only way to end the stigma; others say society isn't ready

By Sally Jacobs

For Henry Gay, this week's media convulsion over the identification of the alleged rape victim in Palm Beach, Fla., was all a little old hat.

Gay, publisher of the Shelton-Mason County Journal, a news weekly outside Olympia, Wash., has been publishing the names of rape victims, including juveniles, for more than two decades. To Gay, 64, concealing the identity of rape victims is the height of media paternalism and "just adds to the stigma by shoving them in the closet."

His is a highly arguable point of view to some among the 7,800 residents of Shelton. Just ask Maureen Caturia, an advocate with the sexual-assault counseling program, Recovery.

"He says publishing their names helps them in the recovery process. Well, excuse me. It does much more damage," exclaimed Caturia. "People see their stuff all over the paper, and everyone in Mason County knows. They begin to think, why bother? And some don't."

RAPE, Page A35

Sally Jacobs is a Globe staff reporter.



ILLUSTRATION / BOB GALE

The Boston Globe: April 21, 1991

Rape

(Continued from Page A33)

It is, by any measure, a deeply troubling issue, one that has so addled the press that by week's end, the National Enquirer (which didn't name the alleged victim in the Kennedy case) was trumpeting that it had higher ethical standards than The New York Times (which did name her). And some people agreed.

Not that anyone has come up with easy answers to the questions generated by the debate that has erupted over a 29-year-old woman's allegation that she was raped over the Easter weekend at the Kennedy family's oceanfront compound. If, for example, the names of those charged with sexual assault are made public, why shouldn't newspapers publish the names of those doing the charging? And yet, if identifying rape victims means that many will shy away from reporting the crime, rather than face the humiliation and possible condemnation of exposure, perhaps the media spotlight should remain selective, at least for awhile.

And why is it that the media is even deciding the issue? Since when do the nation's television stations and newspapers, the most righteous champions of full disclosure, withhold information in the aim of a social good. Why, many women's advocates ask, did The New York Times refrain from identifying the victim known as the Central Park jogger, an investment banker of prominent lineage, and then leap to publish the name of the Palm Beach victim, who has been por-

trayed as a single mother with a fondness for the bar scene.

The argument — and the reality

Beyond the hypocrisy, aren't they really perpetuating the stigma associated with rape by treating the crime differently from all others? Treat it like any other crime of violence and, eventually, it will be viewed as such, or so the argument goes.

After all, look what happened when Nancy Zeigmenmeyer, a 29-year-old Iowa woman, told a reporter for the Des Moines Register of the horror of her own rape in a series that ran in that paper last year. The Register was awarded a Pulitzer Prize for the series earlier this month, and other women, emboldened by Zeigmenmeyer's courage, stepped forward and talked publicly of their own rapes for the first time.

"What struck me as I read her story is that her case is not that different from thousands of others," said Karen Jurgensen, a senior editor at USA Today who was raped 15 years ago in an alley in Charlotte, N.C. "We have so effectively hidden ourselves away that when someone speaks out and says, 'I was a rape victim,' it's big news. That just terrified me."

But for every victim who went public, thousands did not. Isolated and alone, terrified of violent repercussions by their assailant or his associates, and still struggling with their own emotional upheaval, untold numbers of women remained silent. For them it was not time.

And that, say many victims and women's advocates, is the issue: choice. Identify victims against their will, they say, and possibly

the most under-reported crime in the nation will become even more so. Numb at the prospect of losing control a second time, other women will simply opt not to report. Only by allowing rape victims to come forward by choice, prepared to deal with any potential fallout, will the stigma attached to rape eventually be eroded.

For the time being, women, their argument goes, should be encouraged to speak up about their experience. The press should no longer presume that women do not want to be identified but should ask each victim. But flashing a victim's picture on the evening news or blazing her name on the front page against her will will only result in widespread retrenchment.

Too soon to lift the shield?

"There has been tremendous change, but it is very uneven," said Dr. Judith Herman, an associate clinical professor of psychiatry at Harvard Medical School. "In one community, coming out may feel like an empowering choice. In another place, to publish that victim's name is to re-victimize her, to invite people to attack her. She is shunned, she's blamed and totally denigrated. She's damaged goods."

"The situation will only change when women choose to speak out," she added. "But that is the decision of the survivor, not a third party."

Defense lawyers and some editors argue that it is the very shielding of rape victims that reinforces sexist notions about rape and perpetuates the stigma. And some women agree. "Rape victims ought to be treated the same as victims of any other crime," said

Irene Nolan, managing editor of the Courier-Journal in Louisville, Ky. "I think not naming rape victims helps to continue the stigma attached to rape and is unfair to those accused of rape. It is chauvinistic, it is paternalistic, and it should end."

While many victims and advocates agree that the shroud should eventually be lifted, they argue that it is too soon to do so. Until the day when rape is understood as an act of violence like any other violent crime, rape victims should have the choice of whether to be identified before the world or not.

More women are reporting rape today than they did two decades ago when the nation's media adopted their uncharacteristically protective policy. But scratch the surface of society, many women say, and you'll find a people still suspicious of those who cry rape.

Consider that only one out of 10 rape victims report the crime. And consider what happens to some of those who do. It was less than two years ago that a Florida jury acquitted an accused rapist because the woman "asked for it the way she was dressed." In the current Florida case, many Palm Beach denizens turned a critical eye on the victim long before they turned their attention to the man accused of raping her, William Kennedy Smith. The woman met Smith, Sen. Edward M. Kennedy's nephew, at a local bar after 2 a.m. and returned with him to the Kennedy family's oceanfront estate where she claimed she was raped.

"A lot of people were saying, well, what was she doing at a bar at that hour anyway," said Agnes Ash, publisher of the Palm Beach Daily News. "No one asked what the Kenne-

dys were doing there."

Indeed, while some in the media argue that the Palm Beach case presents a prime opportunity to move toward repeal of the shield policy - given that the victim's name was already widely known in the Palm Beach community - others maintain that the case has demonstrated just how far society has to go before rape victims can safely come forward. Long before NBC and then The New York Times identified the victim last week, several newspapers published exhaustive profiles about her, including details about her speeding tickets, her parents' divorce and her style of dress.

"The press has unfortunately shown this week that it continues to believe in the myths and mythologies of rape," said Susan Estrich, a law professor at the University of Southern California who was raped in 1974. "What was she doing in the bar at 3 a.m., what was she wearing? There has been a strong undertone that she was asking for it. That undertone is the worst legacy of our sexist attitudes toward rape."

Many women, to be sure, are uneasy with advocating special treatment for women. But as long as rape victims are not treated the same as the victims of other violent crimes, both rape counselors and experts in the field maintain that victims must be allowed to choose whether to reveal that they have been raped.

"Some day, it will be different," said Sara Townsend, a science writer in North Carolina who was raped two years ago. "Some day, rape will be seen like murder or assault or kidnapping, and I won't have to be embarrassed that my grandmother or the guy on the street knows."



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Media and Rape

THERE is one very good reason for the news media to withhold the names of women who say they have been raped: Many who have been violated find it profoundly hurtful and embarrassing to be subject to public scrutiny.

Sexual assault is a crime of violence and power. In order to heal, survivors need to assert control over their lives — including control over whether their names should be disclosed.

Some advocates of disclosure argue, compassionately, that the stigma will fade if the names of survivors are printed. But if decades and volumes of coverage have done little to improve the image of rape survivors, what will a few more words do?

NBC News president Michael Gartner was the first mainstream news executive to decide to divulge the name of the woman who says she was raped at the Kennedy estate at Palm Beach. Mr. Gartner said "you try to give viewers as many facts as you can and let them make up their minds." His commitment to informing his viewers is subject to debate, however. Not long ago, when Jon Alpert, an NBC news stringer for 12 years, returned from Iraq with dramatic footage of civilian areas devastated by US bombing, Gartner not only ordered the footage not be aired but ended Alpert's relationship with the network.

Immediately after NBC released the name of the Palm Beach woman pressing charges, the New York Times published a lengthy article which contained not only her name but a host of details about her life, including the fact that she had skipped classes in 9th grade, had driven 70 miles per hour in a 55 zone, and had, while being "escorted" by one man, talked to other men. The gossip article relied 12 times on unnamed sources. It ended by listing children's books in the room of the woman's young daughter — information gleaned from peeping through a window.

The implication communicated by sensational inquiries into the victim's character is that she isn't worthy of public compassion. Though many news media were quick to dredge up embarrassing details about the alleged victim's life, few publications cited the police records describing her as "distracted," "crying," and "shaking" when reporting the crime, and very reluctant to tell who had assaulted her.

By **Tiffany Devitt**
and **Steve Rhodes**

THOSE media that have found space to probe the woman's private life have not found the space to cover the issue of sexual assault. Where was the coverage of the April 9 Senate Judiciary hearings on the Violence Against Women Act, which showed that violence against women is increasing at twice the rate of violence against men? Or the financial constraints that threaten to close rape crisis centers across the country?

In covering the Central Park jogger rape the media behaved very differently. Without using the name of the investment banker who was assaulted by a group of African-American youths, the press generated public sympathy for the victim. Unlike the Palm Beach woman, few in the mainstream questioned her credibility. One wonders to what extent the difference lay in the race and class of the accused and accusers.

It's not that the Palm Beach woman is as worthy of public concern as any other woman. That much is obvious. The point is that by portraying a victim as deserving or undeserving the media focuses on who she is — what she was wearing, drinking, her age, marital status, and name — instead of on what the accused did or didn't do. Rape as a crime is too often measured in the media in terms of the character of the victims, rather than the action of the perpetrators.

Hundreds of thousands of sexual assaults are committed each year. By focusing only on individual women and lurid details in celebrated cases, the press can miss a bigger story. The public *does* have a right to know. It is entitled to know, for example, that over 80 percent of sexual assaults are by acquaintances, and that victims are often ill-treated by the police and courts.

By pointing to the absence of a name or a face as the shortcoming in coverage of rape, the media engages in victim-blaming. What is needed to end the stigma associated with sexual assault is reporting that exposes the myths and institutions — including some media outlets — that support a rape culture.

■ *Tiffany Devitt is Managing Editor of "Exba!", published by FAIR, the New York-based media watch group. Steve Rhodes is a FAIR associate.*

On people and the media

Everette E. Dennis
Executive Director

Of trials, television and the public

In a year when inquisitorial proceedings—the Thomas confirmation hearings and the Palm Beach rape trial—were telecast live, it is important to ask what benefit, if any, television coverage of these events has for the public and what implications there are for the media.

The “gavel-to-gavel” coverage of both proceedings provided the public a unique “you-are-there” perspective, a close-up look at controversies that would otherwise have been encapsulated into brief and fragmented accounts. Thanks to C-SPAN, Court TV and CNN, the traditional three networks and various broadcast groups, viewers received live, full-text treatment of the rape trial all the way from the jury selection to the verdict.

While some critics still decry the impact of live coverage of courts, this issue now seems largely settled. In the past, the traditional constraints of the American Bar Association's codes of judicial conduct kept cameras and recording devices out of the courtroom, but that has now changed. Many states allow television cameras in their courtrooms. The U.S. Supreme Court and some appellate courts have balked at allowing cameras in, but even that appears all but inevitable. The television camera seems to have permanently replaced the sketch artist.

The Thomas hearings were not a trial, but their quasi-judicial, adversarial character drew a massive viewership eager to get a glimpse of truth or falsehood in the testimony that unfolded. That the Thomas hearings attracted such a large audience is not surprising. Congressional hearings have had large public followings in the past. They have also created scenes that have come to symbolize

national controversies of great import. Think of the Army-McCarthy hearings of the '50s, and the Vietnam and Watergate hearings of the '60s and '70s. More recently, we have had the Iran-Contra affair, with Col. Oliver

[E]ven the best television commentary rarely can adequately explain the dynamics of the important and overarching aspects of the judicial process . . .

North's dramatic testimony now etched into public memory.

No doubt the public learns a good deal about the judicial process from television coverage of trials, but these public presentations can also be misleading. The public trial is only a small part of the total legal process that begins with a grievance or a report of a crime and may linger for years through various appeals. Unfortunately, even the best television commentary rarely can adequately explain the dynamics of the overarching aspects of the judicial process so far out of public view.

Some critics argue that televised trial coverage poses a problem of “rights in conflict.” These include, for example, the right of privacy and the right to a fair and speedy trial, both of which can be easily trampled by an insensitive and sensational press.

However, the generally tasteful trial reportage in the Smith-Bowman case (compared to the pre- and posttrial coverage) would seem to shatter that argument. If television coverage of this case can be faulted at all, it would be for the inconsistency of using a blob to mask the plaintiff's face while allowing an “anything goes” policy in airing explicit sexual material in the public testimony.

It is valuable for public trials and hearings (including the kind of testimony that would have previously been confined to executive sessions) be put to the test through this kind of bold public exposure. True, individual rights are sometimes compromised by television, but in time the novelty of televised coverage will wear off and high professional standards will prevail.

In the meantime, the benefits of televising these events seem to outweigh the liabilities. In what has been called an age of deceit, an open window on public proceedings is a positive sign.

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Appendix

Resource Lists

Victim Assistance Resources

Statewide Victim Assistance Agencies

Massachusetts Office for Victim Assistance	(617) 727-5200
Victim Compensation Division, Attorney General's Office	(617) 727-2200
Criminal History Systems Board, Victim Service Unit	(617) 727-0090
Department of Correction, Victim Service Unit	(617) 727-3300
Parole Board, Victim Service Unit	(617) 727-3271
U.S. Attorney's Office, Victim Witness Assistance	(617) 223-9400

Statewide Hotlines and Referral Centers:

Child Abuse & Neglect Hotline	(800) 792-5200
Domestic Violence Hotline - <i>Call "411" to be connected to a local shelter</i>	DIAL 411
Elder Abuse & Neglect Hotline	(800) 922-2275
Lawyer Referral	(800) 392-6164
Massachusetts Alcohol and Drug Referral HotLine	(800) 327-5050
Parents Anonymous of Massachusetts	(800) 882-1250
Parental Stress Line	(800) 632-8188
Samaritans Suicide Prevention Hotline	(617) 247-8050
Samariteens	(800) 252-8336

District Attorney Victim Witness Programs:

Berkshire County - Elizabeth Keegan, Director	(413) 443-3500
Bristol County - Michele Stanton, Director	(508) 997-0711
Cape and Islands District - Virginia Bein, Director	(508) 362-8103
Essex County - Michaelene McCann, Director	(508) 745-6610
Hampden County - Maria Rodriguez, Director	(413) 747-1038
Middlesex County - Jeffrey Ryan, Director	(617) 494-4604
Norfolk County - Sandra Pimentel, Director	(617) 329-5440
Northwestern District - Susan Manatt, Director	(413) 586-5780
Plymouth County - Michelle Mawn, Director	(508) 584-8120
Suffolk County - Janet Fine, Director	(617) 725-8653
Worcester County - Tony Pelligrini, Director	(508) 792-0214

Drunk Driving - MADD Chapters:

MADD Statewide Victim Hotline	(800) 633-6233
MADD State Office	(508) 875-3736
MADD Berkshire County Chapter	(413) 684-3133
MADD Bristol County Chapter	(508) 673-6233
MADD Cape Cod Chapter	(508) 420-0200
MADD Hampden County Chapter	(413) 592-9953
MADD Metro West Chapter	(508) 624-6233
MADD Plymouth County Chapter	(508) 585-1888
MADD Worcester County Chapter	(508) 831-9785

Family Violence Services:

Alternative House - <i>Lowell</i>	(508) 454-1436
ARCH - <i>Springfield</i>	(413) 733-7100
Asian Shelter and Advocacy Project - <i>Boston</i>	(617) 338-2350

Casa Myrna Vasquez - <i>Boston</i>	(617) 521-0100
Daybreak - <i>Worcester</i>	(508) 755-9030
Domestic Violence Ended (DOVE) - <i>Quincy</i>	(617) 471-1234
Elizabeth Stone House - <i>Jamaica Plain</i>	(617) 522-3417
F.I.N.E.X. House - <i>Dorchester</i>	(617) 288-1054
Fenway Community Health Center (Gay/Lesbian Services) - <i>Boston</i>	(617) 267-0900
Mary Foreman House - <i>Dorchester</i>	(800) 992-2600
Harbor Me - <i>Chelsea</i>	(617) 889-2111
Help for Abused Women and Their Children (HAWC) - <i>Salem</i>	(508) 744-6841
Independence House - <i>Hyannis</i>	(800) 439-6507
International Institute - <i>Boston</i>	(617) 536-1081
N.E.L.C.W.I.T. - <i>Greenfield</i>	(413) 772-0806
Necessities/Necessidades - <i>Northampton</i>	(413) 586-5066
Network for Battered Lesbians - <i>Boston</i>	(617) 424-8611
New Bedford Women's Center Battered Women Project - <i>New Bedford</i>	(508) 992-4222
New Beginnings - <i>Westfield</i>	(413) 562-1920
New Hope - <i>Attleboro, Norwood, Taunton</i>	(800) 323-4673
Our Sister's Place - <i>Fall River</i>	(508) 677-0224
Renewal House - <i>Roxbury</i>	(617) 566-6881
Respond - <i>Somerville</i>	(617) 623-5900
Safe Place, Inc. - <i>Nantucket</i>	(508) 228-2111
Services Against Family Violence - <i>Malden</i>	(617) 324-2221
South Shore Women's Center - <i>Plymouth</i>	(508) 746-2664
Transition House - <i>Cambridge</i>	(617) 661-7203
Waltham Battered Women's Support Committee - <i>Waltham</i>	(617) 899-8676
Womanshelter/Companeras - <i>Holyoke</i>	(413) 536-1628
Womansplace - <i>Brockton</i>	(508) 588-2041
Women's Crisis Center - <i>Newburyport</i>	(508) 465-2155
Women's Protective Services - <i>Framingham</i>	(508) 626-8686
Women's Resource Center - <i>Lawrence</i>	(508) 685-2480
Women's Resource Center - <i>Haverhill</i>	(508) 373-4041
Women's Resources - <i>Fitchburg</i>	(508) 342-9355
Women's Service Center - <i>Pittsfield</i>	(413) 443-0089
Women's Service Center - <i>North Adams</i>	(413) 663-9709
Women's Support Services - <i>Vineyard Haven</i>	(508) 696-7233

Homicide Bereavement Services:

After Homicide Program - <i>Worcester</i>	(508) 791-3261
Family Bereavement Program - <i>Marlborough</i>	(508) 481-8290
Homicide Bereavement Program - <i>Greenfield</i>	(413) 774-7931
Living After Murder Program - <i>Roxbury</i>	(617) 442-7400
Omega Emotional Support Services - <i>Somerville</i>	(617) 776-6369
Project Reach - <i>New Bedford and Plymouth</i>	(508) 996-3147
Surviving After Murder Program - <i>Springfield</i>	(413) 732-7419
Trauma Clinic - <i>Boston</i>	(617) 731-3200
Victims of Crime and Loss Program (VOCAL) - <i>Beverly</i>	(508) 927-4506
Victims of Violence Program - <i>Cambridge</i>	(617) 498-1150

Sexual Assault Services:

ARCH - YMCA - <i>Springfield</i>	(413) 733-7100
Beth Israel Hospital Rape Crisis Service - <i>Boston</i>	(617) 667-4645
Blackstone Valley Rape Crisis Team - <i>Milford</i>	(508) 478-2992
Boston Area Rape Crisis Center - <i>Cambridge</i>	(617) 492-7273
Cape Ann Sexual Assault Crisis Service - <i>Gloucester</i>	(508) 281-7631

Cape Cod Rape Crisis Center - <i>Hyannis</i>	(508) 790-1344
Community Programs Against Sexual Abuse - <i>Roxbury</i>	(617) 442-6300
Everywoman's Center - <i>Amherst</i>	(413) 545-0800
Greater Marlborough Rape Crisis Center - <i>Marlborough</i>	(508) 485-7273
Latinas Against Sexual Assault - <i>Lawrence</i>	(508) 685-2480
Massachusetts General Hospital Rape Emergency Unit - <i>Boston</i>	(617) 726-2000
N.E.L.C.W.I.T. - <i>Greenfield</i>	(413) 772-0806
New Hope Sexual Assault Program - <i>Attleboro</i>	(800) 323-4673
Norfolk County Sexual Assault Unit - <i>Dedham</i>	(617) 326-1111
North Shore Rape Crisis Center - <i>Beverly</i>	(800) 922-8772
Plymouth County Rape Crisis Center - <i>Brockton</i>	(508) 588-8255
Project Rap Crisis Team - <i>Beverly</i>	(800) 922-8772
Rape Crisis Center of Berkshire County - <i>Pittsfield</i>	(413) 442-6708
Rape Crisis Program of Central Massachusetts - <i>Worcester</i>	(508) 799-5700
Rape Crisis Program of New Bedford - <i>New Bedford</i>	(508) 996-6656
Rape Crisis Service of Greater Lowell - <i>Lowell</i>	(800) 542-5212
Women's Protective Services - <i>Framingham</i>	(508) 626-8686

Massachusetts Victim/Citizen Advocacy and Support Groups

Charlestown After Murder Program (CHAMP)	(617) 848-8973
Citizens for Safety	(617) 542-7712
Clothesline Project	(508) 385-7004
Joey Fournier Victim Services	(617) 248-0066
Massachusetts Citizens to Prevent Handgun Violence	(617) 723-9867
Mothers Against Drunk Driving (<i>see also chapter listings</i>)	(800) 438-6233
Parents of Murdered Children	(617) 499-7998
Peace At Home	(617) 482-9497
People of Color Against Homicide	(617) 436-5473
Real Men	(617) 782-7838
Save Our Sons and Daughter (SOSAD)	(617) 445-3581
Survivor Connections	(401) 941-2548

Statewide Research and/or Advocacy Organizations

Boston Coalition	(617) 451-1441
Children's Law Center of Massachusetts	(617) 581-1977
Civil Liberties Union of Massachusetts (CLUM)	(617) 482-3170
Crime and Justice Foundation	(617) 426-9800
Educational Development Center	(617) 969-7100
Flaschner Judicial Institute	(617) 542-8838
Massachusetts Coalition of Battered Women Service Groups	(617) 248-0922
Massachusetts Coalition of Rape Crisis Service Centers	(508) 791-9546
Massachusetts Law Reform Institute	(617) 357-0700
Massachusetts Society for the Prevention of Cruelty to Children	(617) 227-2280
National Organization for Women - Massachusetts	(617) 782-1056
Violence Prevention Project	(617) 534-5196

State Agency Resources:

Administrative Office of the Trial Court	(617) 742-8575
AIDS/HIV Bureau (DPH)	(617) 624-5300
Attorney General's Office	(617) 727-2200
Board of Bar Overseers	(617) 357-1860
Child Support Enforcement Division	(617) 577-7200
Citizen Information Service	(617) 727-7030
Committee for Public Counsel Services	(617) 482-6212

Corrections Department (DOC)	(617) 727-3300
Criminal History Systems Board	(617) 660-4690
Criminal Justice Training Council	(617) 727-7827
Disabled Persons Protection Commission	(617) 727-6465
District Court Administrative Office	(508) 745-9010
Elder Affairs, Executive Office	(617) 727-7750
Family Violence and Sexual Abuse Resources	(617) 624-5070
Governor's Alliance Against Drugs	(617) 727-0786
Governor's Highway Safety Bureau	(617) 727-5073
Governor's Office	(617) 727-3600
Governor's Office of Constituent Services	(617) 727-6250
Judicial Conduct Commission	(617) 725-8050
Judicial Training Institute	(617) 742-8383
Juror Information Line	(800) 843-5879
Juvenile Court Administrative Office	(617) 367-5767
Massachusetts Commission Against Discrimination: Eastern	(617) 727-3990
Massachusetts Commission Against Discrimination: Western	(413) 739-2145
Massachusetts Legal Assistance Corporation	(617) 367-8544
Massachusetts Office for Children	(617) 727-8900
Massachusetts Office for Victim Assistance	(617) 727-5200
Massachusetts Office on Disability	(617) 727-7440
Massachusetts State Police	(617) 727-6781
Massachusetts State Police, Missing Person Unit	(800) 622-5999
Mental Health Department (DMH)	(617) 727-5500
Parole Board	(617) 727-3271
Patient Abuse Advisory Office (DPH)	(800) 462-5540
Probate and Family Court Administrative Office	(617) 742-9743
Probation, Office of the Commissioner	(617) 727-5300
Public Health Department (DPH)	(617) 624-6000
Public Safety, Executive Office	(617) 727-7775
Public Welfare Department (DPW)	(617) 348-8500
Refugees and Immigrants Office	(617) 727-7888
Social Services Department (DSS)	(617) 727-0900
Superior Court Administrative Office	(617) 725-8130
Supreme Judicial Court	(617) 557-1000
Victim Compensation and Assistance Division	(617) 727-2200
Victim and Witness Assistance Board	(617) 727-5200
Violence Prevention Office (DPH)	(617) 624-5200
Youth Services Department (DYS)	(617) 727-7575

Massachusetts State Correctional Facilities

Bay State Correctional Center	(617) 727-8474
Boston State Pre-Release Center	(617) 727-8130
Bridgewater State Hospital	(508) 697-8161
Lancaster Pre-Release Center	(508) 368-8388
Massachusetts Boot Camp	(617) 727-1507
MCI Cedar Junction/Walpole	(508) 668-4730
MCI Concord	(617) 727-1950
MCI Framingham	(617) 727-5056
MCI Lancaster	(508) 792-7590
MCI Norfolk	(508) 668-0800
MCI Plymouth	(508) 727-8938
MCI Shirley	(508) 425-4341
Northcentral Correctional Institution	(508) 792-7560

Northeastern Correctional Center	(508) 369-4120
Old Colony Correctional Center	(508) 697-3360
Park Drive Pre-Release Center	(617) 727-2275
Pondville Correctional Center	(617) 727-5203
Southeast Correctional Center	(508) 727-7672
South Middlesex Correctional Center	(508) 872-0281

Massachusetts Professional Organizations

Massachusetts Bar Association	(617) 542-3602
Massachusetts Chiefs of Police Association	(617) 723-5002
Massachusetts District Attorneys Association	(617) 723-0642
Massachusetts Medical Society	(617) 893-4610
Massachusetts Psychological Association	(617) 523-6320
Massachusetts Sheriffs Association	(617) 635-1100
Women's Bar Association of Massachusetts	(617) 695-1851
Women's Legislative Caucus	(617) 722-2266

National Hotlines and Referral Centers:

AIDS/HIV Information Hotline	(800) 342-2437
Childhelp USA	(800) 422-4453
Drug Abuse Hotline	(800) 662-4357
Family Violence Prevention Fund Information Line	(800) 313-1310
Marital Rape Information Line	(217) 244-1024
Mothers Against Drunk Driving	(800) 438-6233
National Center for Missing and Exploited Children	(800) 843-5678
National Child Abuse Hotline	(800) 792-5200
National Criminal Justice Referral Center	(800) 851-3420
National Family Violence Helpline	(800) 222-2000
National Self-Help Clearinghouse	(212) 642-2944
National Sexually Transmitted Diseases Hotline	(800) 227-8922
National Victim Center - Infolink	(800) 394-2225
National Victim Resource Center	(800) 627-6872
Rape, Abuse and Incest National Network	(800) 656-4673

National Victim/Citizen Advocacy and Support Groups

Alliance Against Intoxicated Motorists	(708) 240-0027
Alliance Against Violence in Entertainment for Children	(508) 481-6926
American Coalition for Abuse Awareness	(202) 462-4688
Child Find of America, Inc.	(914) 255-1848
Child Help USA	(540) 399-1926
Children of Murdered Parents	(310) 699-8427
Children's Safety Network	(703) 524-7802
Coalition to Stop Gun Violence	(202) 544-7190
Compassionate Friends, Inc.	(708) 990-0010
Concerns of Police Survivors, Inc.	(314) 346-4911
Cult Awareness Network	(312) 267-7777
Incest Survivors Resource Network International	(505) 521-4260
Missing Kids International, Inc.	(703) 761-2456
Men Stopping Rape	(608) 257-4444
Mothers Against Drunk Driving	(800) 438-6233
National Coalition Against Domestic Violence	(303) 839-1852
National Coalition Against Pornography	(513) 521-6227
National Coalition Against Sexual Assault	(717) 232-7460
Neighbors Who Care: Victims Committee	(703) 904-7311

Parents of Murdered Children	(513) 721-5683
Remove Intoxicated Drivers USA	(518) 393-4357
Security on Campus, Inc.	(610) 768-9330
Spiritual Dimensions in Victim Services	(303) 330-8810
Victims CAN (Constitutional Amendment Network)	(703) 276-2880

National Research and/or Advocacy Organizations

American Association of Retired Persons	(202) 434-2277
American Civil Liberties Union	(212) 944-9800
American Indian Law Center	(505) 277-5462
American Judicature Society	(312) 558-6900
Amnesty International	(212) 807-8400
Anti-Defamation League	(212) 490-2525
Battered Women's Justice Project	(800) 537-2238
Campus Violence Prevention Center	(410) 830-2178
Center for Constitutional Rights	(212) 614-6464
Center for Law and Justice	(206) 685-2043
Center for the Prevention and Control of Interpersonal Violence	(313) 577-2424
Center for the Prevention of Sexual and Domestic Violence	(206) 634-1903
Center for the Study and Prevention of Violence	(303) 492-1032
Center for the Study of Crime Victims' Rights, Remedies & Resources	(203) 932-7041
Center for Women Policy Studies	(202) 872-1770
Center to Prevent Handgun Violence	(202) 289-7319
Children's Defense Fund	(202) 628-8787
Council of State Governments	(606) 244-8000
Family Violence Prevention Fund	(415) 252-8900
Foundation for the Prevention of Child Abuse	(419) 535-3232
Handgun Control, Inc.	(202) 898-0792
Health Resource Center on Domestic Violence	(800) 313-1310
Human Rights Resource Center	(415) 453-0404
Kempe National Center on Child Abuse	(303) 321-3963
National Center for Missing and Exploited Children	(800) 843-5678
National Center for Prosecution of Child Abuse	(703) 739-0321
National Center for State Courts	(804) 253-2000
National Center on Elder Abuse	(202) 682-0100
National Center on Women and Family Law	(212) 741-9480
National Children's Advocacy Center	(205) 533-5437
National Clearinghouse on Marital and Date Rape	(510) 524-1582
National Clearinghouse for the Defense of Battered Women	(215) 351-0010
National Committee for the Prevention of Child Abuse	(312) 663-3520
National Committee for the Prevention of Elder Abuse	(508) 793-6166
National Crime Prevention Council	(202) 466-6272
National Crime Victims Research and Treatment Center	(803) 792-2945
National Gay and Lesbian Task Force: Anti-Violence Project	(202) 332-6483
National Indian Justice Center	(707) 762-8113
National Law Enforcement Council	(202) 835-8020
National Organization for Women	(202) 331-0066
National Organization of Victim Assistance	(202) 232-6682
National Resource Center on Child Abuse and Neglect	(800) 394-3366
National Resource Center on Child Sexual Abuse	(800) 543-7006
National School Safety Center	(805) 373-9977
National Woman Abuse Prevention Center	(202) 895-5271
National Women's Law Center	(202) 328-5160
National Victim Center	(703) 276-2880

NOW Legal Defense and Education Fund	(212) 925-6635
Resource Center on Child Protection and Custody	(800) 527-3223
State Justice Institute	(703) 684-6100
Victims' Assistance and Legal Organization (VALOR)	(703) 538-6898
Violence Policy Center	(202) 822-8200
Women's Legal Defense Fund, Inc.	(202) 986-2600

Federal Agency Resources:

Bureau of Alcohol, Tobacco and Firearms: Boston	(617) 565-7040
Bureau of Justice Statistics Response Center	(800) 421-6770
Centers for Disease Control and Prevention	(404) 639-3311
Clearinghouse on Child Abuse and Neglect	(800) 394-3366
Drugs and Crime Data Center and Clearinghouse	(800) 666-3332
Drug Enforcement Administration: Boston	(617) 557-2100
Drug Court Resource Center	(202) 514-5947
Federal Bureau of Investigation: Boston	(617) 742-5533
Justice Statistics Clearinghouse	(800) 732-3277
Juvenile Justice Clearinghouse	(800) 638-8736
National Center for Injury Prevention and Control	(770) 488-4665
National Clearinghouse for Alcohol and Drug Information	(800) 729-6686
National Criminal Justice Reference Service	(800) 851-3420
National Conference of Commissioners on Uniform State Laws	(312) 915-0195
National Institute of Mental Health: Anti-Social/Violent Behavior Branch	(301) 443-3728
National Victims Resource Center	(800) 627-6872
Supreme Court of the United States	(202) 479-3000
U.S. Attorney's Office: Boston	(617) 223-9400
U.S. Department of Justice	(202) 514-2000
U.S. Office for Victims of Crime	(202) 307-5983
U.S. Office of Juvenile Justice and Delinquency	(202) 307-0751
U.S. Office on Violence Against Women	(202) 514-5947

National Professional Organizations

American Association for Counseling and Development	(703) 823-9800
American Bar Association: Criminal Justice Section	(202) 662-1000
American Correctional Association: Victims' Committee	(804) 323-2365
American Probation and Parole Association	(606) 244-8215
American Professional Society on the Abuse of Children	(312) 554-0166
American Psychiatric Association	(202) 682-6000
American Psychological Association	(202) 336-5500
American Public Health Association	(202) 789-5600
Association of Paroling Authorities: Victims' Committee	(916) 354-1780
Coalition of Victims' Attorneys and Consultants	(703) 276-2880
National Association of Attorneys General	(202) 434-8000
National Association of Crime Victim Compensation Boards	(703) 370-2996
National Criminal Justice Association	(202) 347-4900
National District Attorneys Association	(703) 549-9222
National Governors' Association	(202) 624-5300
National Sheriffs Association	(800) 424-7827
National Association of Social Workers	(202) 408-8600
National Association of Women Judges	(804) 253-2000
National Association of Women Lawyers	(312) 988-6186
U.S. Association for Victim-Offender Mediation	(219) 462-1127
U.S. Conference of Mayors	(202) 293-7330

The CPPAX Education Fund State Directory

1996 MASSACHUSETTS STATE LEGISLATORS

Senate

	Room	Tel. 722-		Room	Tel. 722
Amorello, Matthew J. (R-Grafton)	314	1485	Montigny, Mark C.W. (D-New Bedford)	413D	1440
Antonioni, Robert A. (D-Leominster)	109E	1230	Morrissey, Michael W. (D-Quincy)	520	1494
Bernstein, Robert L. (D-Worcester)	218	1544	Murray, Therese (D-Plymouth)	511C	1330
Berry, Frederick E. (D-Peabody)	320	1410	Norton, Thomas C. (D-Fall River)	312D	1114
Birmingham, Thomas F. (D-Chelsea)	332	1500	O'Brien, John D. (D-Andover)	416C	1612
Clancy, Edward J. (D-Lynn)	410	1350	Pacheco, Marc R. (D-Taunton)	413B	1551
Creedon, Michael C. (D-Brockton)	413C	1200	Pines, Lois G. (D-Newton)	517	1639
Durand, Robert A. (D-Marlborough)	109C	1120	Rauschenbach, Henri S. (R-Brewster)	315	1570
Havem, III, Robert A. (D-Arlington)	512	1432	Rosenberg, Stanley C. (D-Amherst)	212	1532
Hedlund, Robert L. (R-Weymouth)	518	1646	Shannon, Charles E. (R-Winchester)	421	1578
Hicks, Lucile P. (R-Wayland)	413A	1572	Swift, Jane M. (R-North Adams)	407	1625
Jacques, Cheryl A. (D-Needham)	213A	1555	Tarr, Bruce E. (R-Gloucester)	507	1600
Jajuga, James P. (D-Methuen)	216	1605	Tisel, Richard R. (R-Wakefield)	313	1206
Keating, William R. (D-Sharon)	504	1222	Tolman, Warren E. (D-Watertown)	405	1280
Knapik, Michael R. (R-Westfield)	309	1415	Travaglini, Robert E. (D-East Boston)	511B	1634
Leahy, Daniel P. (D-Lowell)	416A	1630	Walsh, Marian (D-Boston)	424	1348
Lees, Brian P. (R-E. Longmeadow)	308	1291	Wetmore, Robert D. (D-Barre)	312H	1540
Magnani, David P. (D-Framingham)	413G	1640	White, W. Paul (D-Dorchester)	109D	1643
Melconian, Linda J. (D-Springfield)	213B	1660	Wilkerson, Dianne (D-Boston)	506	1673

House of Representatives

Angelo, Steven (D-Saugus)	472	2120	DiMasi, Salvatore (D-Boston)	42	2370
Barsom, Valerie (R-Wilbraham)	489	2017	DiPaola, James V. (D-Malden)	254	2220
Bellotti, Michael G. (D-Quincy)	473F	2210	Donovan, Carol A. (D-Woburn)	167	2692
Binienda, Sr., John J. (D-Worcester)	167	2692	Evans, Nancy (R-Wayland)	541B	2976
Bosley, Daniel E. (D-North Adams)	43	2030	Fagan, James H. (D-Taunton)	166	2900
Bremton, Marianne W. (R-Burlington)	549B	2488	Fennell, Robert (D-Lynn)	473B	2230
Brett, James T. (D-Boston)	236	2430	Finneran, Thomas M. (D-Mattapan)	243	2990
Brewer, Stephen M. (D-Barre)	43	2030	Fitzgerald, Kevin W. (D-Boston)	128	2250
Broadhurst, Arthur J. (D-Methuen)	138	2396	Flaherty, Charles F. (D-Cambridge)	357	2500
Businger, John A. (D-Brookline)	467	2915	Flavin, Nancy A. (D-Easthampton)	236	2430
Cabral, Antonio F. (D-New Bedford)	26	2280	Fox, Gloria L. (D-Roxbury)	167	2692
Cahill, Michael P. (D-Beverly)	473F	2210	Galvin, William C. (D-Canton)	540	2090
Cahr, Thomas S. (D-Bourne)	445	2960	Gardner, Barbara (D-Holliston)	478	2263
Canavan, Christine E. (D-Brockton)	279	2470	Garry, Colleen (D-Dracut)	473G	2070
Caron, Paul E. (D-Springfield)	473B	2230	Gately, David F. (I-Waltham)	156	2235
Casey, Paul C. (D-Winchester)	167	2692	Gauch, Ronald W. (R-Shrewsbury)	540	2090
Chandler, Harriette L. (D-Worcester)	167	2692	Giglio, Anthony P. (D-Medford)	172	2320
Chesky, Evelyn (D-Holyoke)	33	2060	Glodis, Jr., William J. (D-Worcester)	26	2080
Clampa, Vincent P. (D-Somerville)	472	2120	Goguen, Emile J. (D-Fitchburg)	134	2400
Cleven, Carol (R-Chelmsford)	167	2692	Golden, Thomas (D-Lowell)	42	2370
Cohen, David B. (D-Newton)	20	2410	Gomes, Shirley A. (R-Harwich)	33	2060
Colt, James D. (R-Wenham)	26	2080	Gray, Barbara E. (D-Framingham)	473F	2210
Connolly, Edward G. (D-Everett)	167	2692	Greene, Jr., William G. (D-Billerica)	168	2900
Coon, Gary M. (R-Andover)	124	2100	Guemiero, Patrick (R-Melrose)	237	2305
Corbitt, Samuel J. (R-Wareham)	156	2256	Hahn, Cele (R-Westfield)	43	2030
Correlia, Robert (D-Fall River)	122	2810	Haley, Paul R. (D-Weymouth)	166	2900
Cousins, Jr. Frank G. (R-Newburyport)	146	2575	Hall, Geoffrey D. (D-Westford)	237	2305
Creedon, Geraldine (D-Brockton)	36	2550	Hargraves, Robert S. (R-Groton)	473G	2070
Cresta, Brian (R-Wakefield)	443	2460	Harkins, Lida E. (D-Needham)	38	2470
Cuomo, Donna F. (R-N. Andover)	541A	2489	Hawke, Robert D. (R-Gardner)	548	2802
DeFilippi, Walter A. (R-W. Springfield)	549	2489	Herren, Albert (D-Fall River)	540	2090
DeLeo, Robert A. (D-Winthrop)	162	2040	Hodgkins, Christopher J. (D-Lee)	35	2320
Demakis, Paul C. (D-Back Bay)	443	2460	Honan, Kevin G. (D-Allston)	162	2040
Dempsey, Brian S. (D-Haverhill)	26	2080			

	Room	Tel.722-
Hyland, Barbara C. (R-Foxboro)	130	2130
Hynes, Frank M. (D-Marshfield)	467	2210
Iannuccillo, M. Paul (D-Lawrence)	448	2582
Jehlen, Patricia D. (D-Somerville)	275	2676
Jones, Bradley (R-N. Reading)	443	2460
Kafka, Louis L. (D-Sharon)	237	2305
Kaprielian, Rachel (D-Watertown)	134	2400
Kaufman, Jay R. (D-Lexington)	43	2030
Keenan, Daniel F. (D-Blandford)	236	2430
Kelly, Shaun P. (R-Dalton)	473B	2230
Kennedy, Thomas P. (D-Brockton)	238	2380
Kerans, Sally P. (D-Danvers)	167	2692
Khan, Kay (D-Newton)	156	2225
Klimm, John C. (D-Barnstable)	146	2575
Koczera, Robert M. (D-New Bedford)	167	2692
Kollios, Paul (D-Millbury)	22	2291
Kraus, Robert (R-Kingston)	472	2120
Kujawki, Paul (D-Webster)	443	2460
Kulik, Stephen (D-Worthington)	134	2400
Landers, Ill, Patrick F. (D-Palmer)	236	2430
Lane, Jr, Harold (D-Holden)	473B	2230
Larkin, Peter J. (D-Pittsfield)	167	2692
LeLacheur, Edward A. (D-Lowell)	448	2582
Lepper, John A. (R-Attleboro)	443	2460
Lewis, Jacqueline (R-Bridgewater)	124	2100
Lewis, Marianne (D-Dedham)	138	2396
Locke, John A. (R-Wellesley)	146	2575
Lynch, Stephen F. (D-So. Boston)	39	2240
Mandile, Anthony M. (D-Waltham)	146	2575
Manning, M. Joseph (D-Milton)	238	2380
Mariano, Ronald (D-Quincy)	33	2060
Marini, Francis L. (R-Hanson)	236	2430
Marzilli, Jim (D-Arlington)	236	2430
McDonough, John E. (D-Boston)	130	2130
McGee, Thomas M. Jr. (D-Lynn)	167	2692
McIntyre, Joseph B. (D-New Bedford)	138	2396
McManus, II, William J. (D-Worcester)	448	2282
Menard, Joan M. (D-Somerset)	370	2300
Merrigan, John F. (D-Greenfield)	236	2430
Micali, James R. (D-Willington)	167	2692
Murphy, Dennis M. (D-Springfield)	540	2090
Murray, Mary Jeanette (R-Cohasset)	134	2400
Nagle, Jr., William P. (D-Northampton)	146	2575
Naughton, Harold P. (D-Cilinton)	26	2080
O'Brien, Janet W. (D-Hanover)	134	2400

	Room	Tel.722-
Owens-Hicks, Shirley (D-Boston)	437G	2070
Panagiotakos, Steven C. (D-Lowell)	39	2240
Parente, Marie J. (D-Milford)	156	2256
Paulsen, Anne M. (D-Belmont)	22	2140
Pedone, Vincent A. (D-Worcester)	34	2320
Peters, David M. (R-Charlton)	124	2100
Petersen, Douglas W. (D-Marblehead)	473B	2210
Peterson, George N., Jr. (R-Grafton)	443	2460
Petrolati, Thomas M. (D-Ludlow)	39	2400
Poirier, Kevin (R-N. Attleborough)	549A	2491
Quinn, John F. (D-Dartmouth)	540	2090
Reinstein, William G. (D-Revere)	167	2692
Resor, Pamela P. (D-Acton)	33	2060
Richie, Charlotte Golar (D-Boston)	38	2470
Rogeness, Mary (R-Longmeadow)	237	2305
Rogers, John H. (D-Norwood)	36	2552
Ruane, J. Michael (D-Salem)	277	2010
Rushing, Byron (D-Boston)	254	2220
Scaccia, Angelo M. (D-Boston)	155	2883
Scibell, Anthony M. (D-Springfield)	238	2380
Serra, Emanuel G. (D-Boston)	481	2255
Simmons, Mary Jane (D-Leominster)	448	2582
Slatery, John P. (D-Peabody)	443	2460
Sprague, Jo Ann (R-Walpole)	237	2305
Stanley, Harriett L. (D-Merimac)	540	2090
Stefanini, John A. (D-Framingham)	130	2130
Stoddart, Douglas W. (R-Natick)	138	2396
Story, Ellen (D-Amherst)	162	2040
Straus, William M. (D-Mattapoisett)	39	2240
Sullivan, Joseph C. (D-Braintree)	472	2120
Swan, Benjamin (D-Springfield)	138	2396
Teagan, Linda (R-Plymouth)	540	2090
Teague, III, Edward B. (R-Yarmouth)	124	2100
Thompson, Alvin E. (D-Cambridge)	170	2783
Tobin, A. Stephen (D-Quincy)	138	2396
Tolman, Stephen (D-Boston)	146	2575
Toomey, Jr., Timothy J. (D-Cambridge)	254	2220
Travis, Phillip (D-Rehoboth)	42	2370
Turkington, Eric (D-Falmouth)	33	2060
Vallanti, Daniel (D-Marlboro)	540	2090
Vallee, James (D-Franklin)	138	2396
Verga, Anthony (D-Gloucester)	33	2060
Voke, Richard A. (D-Chelsea)	343	2600
Wagner, Joseph F. (D-Chicopee)	443	2460
Whitney, Ronald (R-Abington)	146	2575
Walrath, Patricia A. (D-Stow)	275	2676

Committees

Banks & Banking	42	2370
Bills in Third Reading, House	20	2410
Bills in Third Reading, Senate	200	1470
Commerce & Labor	43	2030
Counties	33	2060
Criminal Justice	166	2900
Education	473G	2070
Election Laws	26	2080
Energy	540	2090
Ethics, House	162	2040
Federal Financial Assistance	156	2256
Government Regulations	472	2120
Health Care	130	2130
Housing & Urban Development	38	2470
Human Services & Elderly Affairs	22	2140
Insurance	254	2220
Judiciary (House staff)	138	2396
Judiciary (Senate staff)	213	1555
Local Affairs	134	2400
Natural Resources	473F	2210
Personnel & Administration	448	2582
Post Audit & Oversight, House	146	2575
Post Audit & Oversight, Senate	312	1252
Public Safety	473B	2230
Public Service	40	2240
Rules, House	167	2692

Rules, Senate	431	1520
State Administration	34	2320
Taxation	236	2430
Transportation	443	2460
Way & Means, House	251A	2700
Ways & Means, Senate	212	1481

Information Offices:

House Clerk	145	2356
House Lobby & Information	350	2000
Senate Clerk	208	1276
Senate Lobby & Information	300	1455
Legislative Documents Room	428	2860
Hearing Impaired Info (TTY/TTD)	237	2659
State Bookstore	116	727-2834
State Library	341	727-2590
Citizens' Information Service		727-7030
Outside Boston, toll-free		1-800-392-6090

All legislative telephones are area code (617) and begin with the exchange 722-. Mail address for all legislators and committees:

State House, Boston, MA 02133

CPPAX Education Fund, Inc.

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The 1995 CPPAX Education Fund Congressional Directory

The Senate

	Phone	Fax
Edward M. Kennedy [D] (Labor & Human Resources; Joint Economic; Judiciary; Armed Services) 315 Russell Senate Office Bldg, Washington, DC 20510 Room 2400, JFK Federal Bldg, Boston, MA 02203 E-Mail Address - Senator@Kennedy.Senate.Gov	202-224-4543 617-565-3170	202-224-2417 617-565-3183
John F. Kerry [D] (Foreign Relations; Commerce, Science & Transp.; Small Business; Banking, Housing & Urban Affairs, Intelligence) 421 Russell Senate Office Bldg, Washington, DC 20510 One Bowdoin Square, 10th floor, Boston, MA 02114 Room 311, 222 Milliken Plaza, Fall River, MA 02722 Room 504, 145 State Street, Springfield, MA 01103 Room 504, 90 Madison Place, Worcester, MA 01608	202-224-2742 617-565-8519 508-677-0522 413-785-4610 508-831-7380	202-224-8525 617-248-3870 508-677-0275 413-736-1049

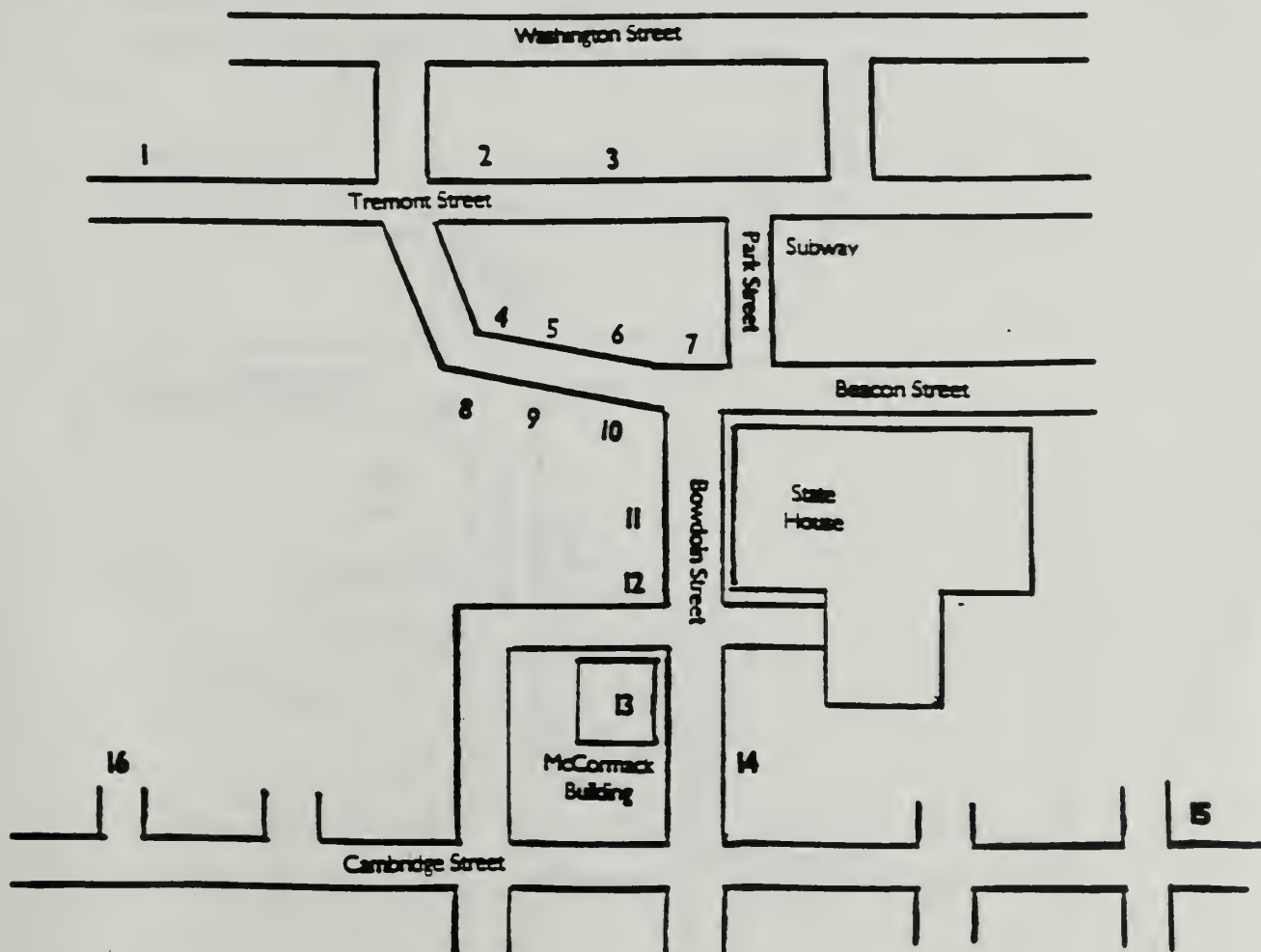
The House, by Congressional District

1. John Oliver [D] (Budget, Technology, Economic, Education opportunities) 1027 Longworth House Office Bldg, Washington, DC 20515 Federal Building, 78 Center Street Arterial, Pittsfield, MA 01201 Suite 202, 187 High Street, Holyoke, MA 01040 Phillbin Federal Bldg, RM 223, 881 Main Street, Fitchburg, MA 01420	202-225-5335 413-442-0946 413-532-7010 508-342-8722	202-226-1224 413-443-2792 413-532-6543 508-343-8156
2. Richard E. Neal [D] (Ways & Means) 2431 Rayburn House Office Bldg, Washington, DC 20515 1550 Main Street, Springfield, MA 01103 2 Congress St., Milford, MA 01757	202-225-5601 413-785-0325 508-634-8198	202-225-8112 413-747-0604 508-634-8398
3. Peter I. Blute [R] (Transportation & Infrastructure; Government Reform & Oversight) 1029 Longworth House Office Bldg, Washington, DC 20515 100 Front Street, Suite 1079 Worcester, MA 01608 7 North Main Street, Room 200, Attleboro, MA 12703 1039 South Main Street, Fall River, MA 02720	202-225-6101 508-752-6789 508-223-3100 508-675-3400	202-225-2217 508-752-9888 508-223-3323 508-675-7755
4. Barney Frank [D] (Banking & Financial Services; Judiciary; Budget) 2404 Rayburn House Office Bldg, Washington, DC 20515 29 Crafts Street, Newton, MA 02158 558 Pleasant Street, New Bedford, MA 02740 222 Milliken Pl., Fall River, MA 02722 89 Main St., Bridgewater, MA 02324	202-225-5931 617-332-3920 508-999-6462 508-674-3030 508-697-9325	202-225-0182 617-332-2822 508-999-6468 508-674-3551 508-697-0263
5. Martin T. Meehan [D] (Small Business; Armed Services) 318 Cannon House Office Bldg, Washington, DC 20515 11 Kearney Square, Lowell, MA 01852 Bay State Building, 11 Lawrence Street, Lawrence, MA 01840 Walker Building, 250 Main Street, Marlboro, MA 01752	202-225-3411 508-459-0101 508-681-6200 508-460-9292	202-226-0177 508-459-1907 508-682-6070 508-460-6869
6. Peter G. Torkildsen [R] (Armed Services; Small Business) 120 Cannon House Office Bldg, Washington, DC 20515 70 Washington Street, Salem, MA 01970	202-225-8020 508-741-1600	202-225-8037 508-744-1640
7. Edward J. Markey [D] (Energy & Commerce; Interior (on leave)) 2133 Rayburn House Office Bldg, Washington, DC 20515 5 High Street, Suite 101, Medford, MA 02155	202-225-2836 617-396-2900	202-225-8689 617-396-3220
8. Joseph P. Kennedy, II [D] (Aging; Banking, Finance & Urban Affairs; Veterans Affairs) 2241 Rayburn House Office Bldg, Washington, DC 20515 Suite 605, The Schrafft Ctr, 529 Main St, Charlestown, MA 02129 801A, Tremont St., Roxbury, MA 02118	202-225-5111 617-242-0200 617-445-1281	202-225-9322 617-241-7593 617-427-7193
9. John Joseph Moakley [D] (Rules) 235 Cannon House Office Bldg, Washington, DC 20515 220, World Trade Center, Commonwealth Pier, Boston, MA 02210 4 Court Street, Taunton, MA 02780 166 Main Street, Brockton, MA 02401	202-225-8273 617-565-2920 508-824-6676 508-586-5555	202-225-3984 617-439-5157 508-880-3520 508-580-4692
10. Gerry Studds [D] (Energy & Commerce; Natural Resources) 237 Cannon House Office Bldg, Washington, DC 20515 1212 Hancock Street, Quincy, MA 02169 146 Main Street, Hyannis, MA 02601 166 Main Street, Brockton, MA 02401 225 Water Street, # 401, Plymouth, MA 02360 Toll Free Phone Numbers	202-225-3111 617-770-3700 508-771-0666 508-584-6666 508-747-5500 800-794-9911, 800-870-2626	202-225-2212 617-770-2984 508-790-1959 508-580-4692 508-747-6990

Area Restaurants

1. REBECCA'S CAFE: Tremont Street - Salads, Soups and Sandwiches
2. LAST HURRAH/PARKER HOUSE: Tremont Street - American Cuisine
3. EMPEROR OF CHINA: Tremont Street - Chinese Cuisine
4. PUBLIK HOUSE: Beacon Street - Burgers and Sandwiches
5. HIGH SPOT DELI: Beacon Street - Pizza, Grinders and Salads
6. S & M DELI: Beacon Street - Deli Sandwiches
7. AU BON PAIN: Beacon Street - Salads, Soups and Sandwiches
8. THE BLACK GOOSE: Beacon Street - Pasta and Salads
9. GRILL ON THE HILL: Beacon Street - Salads and Sandwiches
10. NORTH END PIZZERIA CAFE: Beacon Street - Pizza, Calzones, Salads
11. FILL-A-BUSTER: Bowdoin Street - Salads and Grinders
12. CAPITAL COFFEE HOUSE: Bowdoin Street - Burgers, Sandwiches, Salads
13. CAFETERIA AT ONE ASHBURTON: McCormack Bldg. - Sandwiches, Salads
14. THE RED HAT: Bowdoin Street - Burgers, Salads, Soups and Sandwiches
15. LEMON GRASS: Cambridge Street - Tai Cuisine
16. PLAZA DELI: Center Plaza - Salads, Soups and Sandwiches

Note: Restaurant locations are indicated by corresponding numbers.



Workshop Locations

- A. Workshop: Preventing Teen Dating Violence
Location: The Paulist Center, 5 Park Street
- B. Workshop: Hate Crimes Awareness and Intervention
Location: Church of the New Jerusalem, 140 Bowdoin Street
- C. Workshop: Domestic Violence: Promoting Victim Safety
Location: Gardner Auditorium, State House
- D. Workshop: Juveniles and the Justice System
Location: Morrison Room, MDC Building, 20 Somerset Street
- E. Workshop: Child Sexual Abuse: Current Issues
Location: McCormack Bldg., One Ashburton Place, 21st Floor

Note: Workshop locations are indicated by corresponding letters.

